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MINUTES OF THE PROCEEDINGS  
OF  
**THE COUNCIL**

OF THE  
CITY OF PITTSBURGH  
FOR THE YEAR  
1997

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO ..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, June 24, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Ms. O'Connor	(Pres't)

#### THE CHAIR:

Good-morning everyone. As can you see from the size of the crowd, we have a lot of very important guests in the audience. We want to welcome all of you to City Council Chambers here today. At this time, would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a 2nd grade student. His name is

Joseph Varberry (phonetic). He goes to the Fulton School for Geographic and Life Sciences. He's 7 years old. His mom and dad are Rose and Michael Varberry (phonetic). He has got his bodyguard there. His older brother, Dominic, is here to help him out. Joe is going to lead us in the Pledge of Allegiance with his right hand.

#### JOSEPH VARBERRY:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible with Liberty and justice for all.

#### THE CHAIR:

Thank you. Joseph, you did a great job. Our City Clerk would like to present you with a flag of our great nation and a flag of our city. I want to thank you for coming down here and taking a break from the Highland Park swimming pool to come down here.

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#### PRESENTATIONS

I would like the delegation from Polish Hill to come forward please, Father Joe and friends.

Last week we honored the principal and today we would like to pay tribute to the parishioners and the supporters of a church that is now going to be 100 years old. They are celebrating a 100th year anniversary.

**MR. FERLO PRESENTS:**

No. 2080 WHEREAS, the first Polish settlers came to what was formerly referred to as Herron Hill in the year of 1885 from all sections of Poland; and,

WHEREAS, numerous Polish families settled closely together on "Polskie Gory", which is apparently Polish for Polish Hill, so that it would be easier to preserve their native tongue and to hand down their faith of their forefathers to their children; and,

WHEREAS, although settlers of Polish Hill at first belonged to St. Stanislaus Parish on TwentyFirst Street down in the Strip District, by 1895, with the number of children increasing, the distance to St. Stanislaus was becoming more burdensome and dangerous; and,

WHEREAS, in 1895 a committee was formed and a petition was presented to Bishop Phelan to establish a parish and build a church and school on Polish Hill; and,

WHEREAS, Bishop Phelan willingly granted permission for a school, a convent for the teaching of nuns, the Sisters of the Holy Family of Nazareth, and a hall which would serve temporarily as a church for the parish with the residents of Polish Hill resolved to name "Immaculate Heart of Mary"; and,

WHEREAS, the responsibility for coordinating this massive undertaking was given to Reverend Zigmunt Rydlewski and it was financed with donations of \$50.00 from each family on Polish Hill who

owned a home, and \$25.00 from other families on Polish Hill; and,

WHEREAS, in October 1896, the blessing of the cornerstone for the chapel, school, and convent on Paulowna Street took place. Construction was completed in July of 1897, and the blessing of the building took place in August of 1897, on the feast of the Immaculate Heart of Mary; and,

WHEREAS, construction of the present Church and Rectory on the Brereton Avenue site began in 1904 with the blessing of the cornerstone on July 31, 1904, by Bishop J.E. Regis Canevin and was completed, with most of the work performed gratis by the parishioners, when the present church structure was blessed by the Apostolic Delegate, His Eminence, Cardinal Diomea Falconio on December 3, 1905; and,

WHEREAS, the Immaculate Heart of Mary Church in Polish Hill which will be celebrating its 100th Jubilee on June 28 excuse me, June 29, 1997, was under the leadership of the Holy Ghost Father from its founding until October of 1993 when the leadership was passed on to the Diocese and the Diocesan clergy, the present pastor being the Reverend Joseph E. Swierczynski of the Diocese of Pittsburgh, the gentleman to my left.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends and congratulates the parishioners of the Immaculate Heart of Mary Church on Polish Hill on their 100th anniversary; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh



hereby declares June 29, 1997 to be "Immaculate Heart of Mary Church 100th Jubilee Day" here in the City of Pittsburgh.

**MR. O'CONNOR** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

#### **THE CHAIR:**

Obviously, we are honored once again to have Father Joe here this morning, and we have distinguished delegation from the community as well as the residents who are very active in supporting this wonderful structure.

As I said last week, many people don't necessarily know Polish Hill neighborhood, but when they pass down Bigelow and they see this gigantic, historically significant building, they are extremely impressed.

As I stated last week when we paid tribute to the principal at this school, I think we always are very proud of the energy and the synergy that makes up all of our Pittsburgh neighborhoods.

We see tremendous commitment by residents and citizenry who are active in countless community block watch and neighborhood groups. We see many residents who are the backbone of our school system, be they public, parochial or private.

We also see a tremendous commitment from the religious community, which not only has put up tremendous structures, but really you see the synergy of the community activism.

People who are very proud about their homes and taking care of their neighborhoods. People have made a commitment to their schools and commercial businesses, and certainly people have made a commitment to their respected religious institution, which is part of that synergy that makes up what is so great about Pittsburgh's neighborhoods.

So, at this time it's a great honor and tribute that we have all joined in paying tribute to the parishioners, not only the present parishioners who benefit from the glory of this church, but let's pay tribute to those who are long gone, who spent a lot of money, time, blood, sweat, and tears in keeping this tremendous church together for the Polish Hill community in many generations since the late 1890's.

So, at this time it is my honor and pleasure to once again introduce Father Joe.

#### **FATHER SWIERCZYNSKI:**

I want to thank the members of City Council for this great honor which I proudly accept in the name of the parish of Immaculate Heart of Mary and its parishioners. It's the greatest honor for me to be stationed at this particular time when we are celebrating our 100th; a place that has welcomed me for the past 2 years and a place where I am happy to be right now. So, I thank you, the parishioners and the members of City Council, again, for this great honor which we'll proudly display in the parish facility there. Thank you. God bless.

#### **THE CHAIR:**

Thank you very much. Again, they are having a tremendous celebration and event this Sunday in recognition of the Jubilee 100th Anniversary.

We have a lot of guests in the audience today and at this time and I would like to call on Councilman Cohen, who has one to be read into the record.  
Mr. Cohen:

Exactly, Mr. President, thank you.  
Good morning.

**MR. COHEN PRESENTS:**

No. 2081 WHEREAS, for over 75 years Zonta International has actively worked to promote the legal, political, economic, educational and professional status of women throughout the world; and

WHEREAS, this work is accomplished on an international level through close cooperation with agencies of the United Nations and through international service projects and programs; and

WHEREAS, The Zonta Club of Pittsburgh will hold its annual Rose Garden Reception on Wednesday, June 25, 1997 and feature an Asian Pacific Connection Program; and

WHEREAS, members of the Zonta Club of Pittsburgh will celebrate partnerships with guests from the Zonta Club of Tokyo and the University of Hawaii;

WHEREAS, Zonta's 1997 Reception will feature demonstrations of dressing in ceremonial kimonos, obi tying,

washi chigirie, kumi himo and a Japanese tea ceremony.

NOW, THEREFORE, BE IT RESOLVED, that the Council and the City of Pittsburgh does hereby recognize and support the efforts of The Zonta Club of Pittsburgh in its efforts to help women around the world realize their potential.

**THE CHAIR** moved to adopt the resolution

**MR. COHEN** seconded the motion

Which motion prevailed.

**MR. CUSICK:**

I have a number of guests in the audience. Let's start with the Brashear High School softball.

Thank you all for coming.

**MR. CUSICK PRESENTS:**

No. 2082 WHEREAS, Brashear High School is well known for striving towards excellence in academics and athletics; and,

WHEREAS, Brashear High School "Lady Bulls" demonstrate excellence achieved on the softball field throughout their 1997 season with a winning record of 176 in the City League; and,

WHEREAS, on May 23, 1997, through a lot of hard work and dedication, the Brashear Lady Bulls won the City League title over Carrick High School 130 in the 5th in 5 innings. The Bulls scored 13 runs off 6 hits and 7 stolen bases, with 7 runs in the first inning and 5 in the third.

Corinne Pisowicz hit 2 for 3 with 2 RBI's, Mel Sabo hit 2 for 3 with 3 RBI's, and Heather Grieco was the winning pitcher.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby honors and commends the participants of the City League Championship Brashear Bulls for their perseverance and athletic achievement in their 1997 winning season: Head Coach Patty Adams, Assistant Coach Henry Hogle, Assistant Coach Beth Kokie, Players: Ann Romah, Kim Welsh, Heather Grieco, Amanda Paga, Nicole Paga, Michelle Arnold, Donita Thomas, Sandra Plunkett, Crystal Spano, Melony Sabo, Kelly Haney, Jenn Davis, Donna Lauer, Corinne Pisowicz am I saying this wrong? Pisowicz, I apologize. Genny Ball, Stephanie Winters, Jennifer Smith, Lauren Cicchito, Michelle Martino, and Jenn Corrie. Congratulations.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. ADAMS:

Good morning, ladies and gentlemen. On behalf of our assistant coaches, Beth Kokie and Hank Hogle, and the softball team we graciously and proudly accept this award. Thank you, very much.

MR. CUSICK:

I'm sure on behalf of the Mayor, this entire body, and the entire City of

Pittsburgh, we are real proud of all of you. I'm sorry for hatchening all your names.

I graduated from Brashear. It's a great school.

Will the C.O.P volunteers from Brookline please come up at this time? It's a rowdy crew today, isn't it?

THE CHAIR:

I also want to welcome our School Board elected member Evelyn Neiser this morning. Good morning. Thank you for joining us in Council Chambers.

I think that the principal is here and I apologize I think the principal is here from okay, Joe Perisco. Thank you. Good morning.

I knew the face, but I could not remember the name

MR. CUSICK PRESENTS:

No. 2083 WHEREAS, the Community Oriented Police, or C.O.P Program, was developed and created to enhance dialogue and understanding between the community and Pittsburgh Police officers; and,

WHEREAS, the C.O.P Program is premised upon the notion that community involvement and cooperation is vital for successful crime prevention; and,

WHEREAS, the Brookline Mini-Station was established on Brookline Boulevard for police to have a more visible presence in the Brookline community; and,

WHEREAS, Patricia Gilbert, now I'm going to ask Bill Feineigley, Mary Robertson, and Mary Anne Miller have volunteered countless hours at the Brookline MiniStation working with the C.O.P program and Zone 4 in order to make Brookline a safer community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, hereby honors and commends Patricia Gilbert, Bill Feineigley, Mary Robertson, and Mary Anne Miller for their service and dedication to the residents of the City of Pittsburgh and their contribution to the success of the Community Oriented Police Program.

**THE CHAIR** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**MR. CUSICK:**

I've had the honor of participating in the opening of the C.O.P. program up in the Brookline area. It was a great day to see come to Mazza (phonetic) Pavilion and it's been it's a real pleasure to work with these individuals, but the C.O.P officer himself, Joe Crigliano (phonetic). Joe is here today.

Prior to allowing these people the opportunity to come up and say just a few words about it, I would like the C.O.P officer, if he would, come up.  
Joe Crigliano (phonetic):

Good morning, everybody. I just want to thank all the volunteers for a great

job they did within a year and a half, Councilman Joe Cusick's office helping. I think it's a great program for the city. As we can see it works out fine. These people gave me a lot of good information, a lot of good help. As one officer in a huge community as Brookline, these people came forward giving four hours a day of their service. Plus, after hours I see them up in Brookline nosing around, trying to get some information. They're very good, very helpful, great program. Just give them a hand of applause here. Thank you. That's all I got.

**MR. CUSICK:**

Now, Commander McDonald, would you like to say a few words? She is the CommanderInCharge of the C.O.P program.

**COMMANDER MCDONALD:**

I'd like to thank our four volunteers. They've been very dedicated and responsible in providing office hours for the MiniStation. It serves as a model for the city.

President Elaine Caparelli will be recruiting more volunteers and we hope to have the offices in Carrick, Knoxville, Morningside, and several other neighborhood staff the MiniStation staff. That way our officers are available to the community and they can get out into the community more; and we still have someone in the office answering phones and taking messages for the officer. Again, I congratulate them for a job well done and thank them for their service. Thank you.

**MR. CUSICK:**

Bill, would you like to say a few words?

**BILL FEINEIGLEY:**

This is kind of unexpected, but I would like to say it's been a privilege working with my fellow volunteers. We have a lot of fun doing it and I think we are doing a rather reasonably good job. We don't have too many complaints, anyhow. So, later on in the future maybe we'll get better. Thank you, very much.

**MARY ANNE MILLER:**

I'm Mary Anne Miller and I just want to say thank you.

**MARY ROBERTSON:**

Mary Robertson and thank you.

**PATRICIA GILBERT:**

I don't know, it's not work. I'm having a ball. Thank you.

**MR. CUSICK:**

Thank you all for coming here and volunteering.

**THE CHAIR:**

What happened to Elaine Caparelli? You don't want to say anything?

**MR. CUSICK:**

No one else wants to talk.

**THE CHAIR:**

All right. Okay. Thank you. Keep up the good work.

Councilman Hertzberg, I know you have a lot of guests in the audience.

**MR. CUSICK:**

The reason we had trouble with his name is there is no "Y".

**MR. HERTZBERG:**

First, I would like to call Annette Lieb, who is here with her mother Anna and her friend Jessica. I guess your mom and your friend have elected not to come forward, which is fine. Whatever they would like to do. I really want to honor Annette today. She has achieved something that I think is unique. That is from the grade of kindergarten through her graduation, 12th grade, she has attended school on every single day. She has never missed a day of school.

I think her grades and achievement reflect that conscientiousness that kept her in school every day and not missing any days. Let me read the Resolution:

**MR. HERTZBERG PRESENTS:**

No. 2084 WHEREAS, Annette Lieb, daughter of Anna and Richard Lieb, of the 28th Ward of the City of Pittsburgh, is a student who attended Holy Innocents Elementary School and Canevin High School and had a perfect attendance record kindergarten through 12th grade; and,

WHEREAS, Annette is a member of the National Honor Society, Student Council, Drama Club, Pride Club, Youth

Ministry, Advanced Chorus, and Interact Club; and,

WHEREAS, has been named in "Who's Who Among American High School Students," is Vice President of Students Against Drunk Driving, Captain of the Marching Crusaders Honor Guard, on the Yearbook staff, is an active community volunteer, and member and Lector of Holy Innocents Parish; and,

WHEREAS, Annette graduated with honors from Canevin High School on May 31, 1997; and,

WHEREAS, where she is a dedicated student who takes seriously her commitment to be involved as an active member of our society.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Annette on her Graduation, and extend our appreciation as an outstanding student and citizen, and wishes her continued success in future endeavors.

MR. CUSICK moved to adopt the resolution.

MR. HERTZBERG seconded the motion

Which motion prevailed.

MR. HERTZBERG:

I understand Annette is going to be attending Duquesne University and plans to be there everyday Annette, would you like to say a few words?

ANNETTE LIEB:

I would just like to say it's my honor to accept this award in recognition of my perfect attendance. Thank you.

MR. HERTZBERG:

We are going to move next to Langley High School and then back to Canevin. Would the large group that is here from Langley High School please come forward? Langley High School located in Sheridan, the 20th ward of the city, was the champion of the citywide high school baseball.

MR. HERTZBERG:

We have here affiliated with Langley their head coach, John Biedrzycki; their assistant coach, Tom Gray; the principal from Langley High School, Joe Furiska. Would any of them come forward? Joe is in the audience. Also, Evelyn Neiser, the School Board Director, represents the particular district where Langley is located, also a resident of Sheridan, is here with us today.

It looks like the whole team is here and I'll be reading the names. The co-captains are Craig Yakelis and Brad Rauterkus. Let me read the Resolution:

MR. HERTZBERG PRESENTS:

No. 2085 WHEREAS, the Langley High School Baseball Team, coached by John Biedrzycki, and assisted by Thomas Gray and Leo Rauterkus, won the coveted "City League Champions" on Tuesday, May 27, 1997, in a game where the score was 63; and,

WHEREAS, Langley's overall record for the 1997 baseball season of 16

wins and only 4 defeats carried them to the Championship game; and,

WHEREAS, Langley's winning team consisted of five Seniors: Ryan Barry, Sal Bianco, Mike Dean, Brad Rauterkus, and Craig Yakelis; two Juniors: Joe Rectenwald and Dennis Sammel; ten Sophomores: Pat Adair, Tony Bianco, Nick Bridge, Jason Cischke, Josh Galilei, Robert Greene, Jason Ross, Lamar Strothers, Demond Strothers, and Charles Thompson; and finally, three Freshmen: Andy Matuszewski, Matt Rauterkus, and Josh White; and,

WHEREAS, Langley's team success was due to the efforts of a good pitching staff, good student athletes, and good coaches; and,

WHEREAS, it has been 15 years since Langley was City Baseball Champions;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh wishes to congratulate each individual member for their great achievement as team players, and to encourage them to always be a TEAM player in their journey toward a successful life

**THE CHAIR:** Move to adopt the resolution.

**MR. HERTZBERG:** seconded the motion

Which motion prevailed.

I hope we can hear from Coach Biedrzycki.

**COACH BIEDRZYCKI:**

Thank you very much to the Council and Councilman Hertzberg. On behalf of the Langley High School Mustang Baseball Team, we appreciate this honor and recognition you bestowed on us this morning. I'm very proud of the student athletes that we have at Langley and all of the student athletes we have in the City of Pittsburgh Public Schools. Thank you very much.

**MR. HERTZBERG:**

I'd really like to hear from one of the members of the championship team. I know we have some cocaptains. Do we have one that wants to step forward?

**Cocaptain:**

Thanks a lot.

**MR. HERTZBERG:**

Evelyn Neiser, our School Board Director, who I know is very proud of this ball team and very proud of Langley High School. Would you please step forward?

**EVELYN NEISER:**

I just sincerely want to thank City Council for having our team here today. We are very proud of them.

I'm sure we all realize that young people who are involved in athletics are those who don't get into trouble. They stay off the street because of their involvement and John Biedrzycki has always done a good job with our youngsters. So, we thank you very much and congratulations again to our young fellows.

**MR. HERTZBERG:**

I'm going present each member of the team with a copy of our proclamation.

**MR. HERTZBERG:**

Next, the Canevin High School Baseball Team. Would the coaches and the players please come forward?

Canevin High School, which is located in the 28th Ward of the City of Pittsburgh, went all the way to the State Championship final game. Unfortunately, they ended up losing but that was a heck of an achievement and we are real happy to have them come down here today.

They were a true team, but we would note their top pitcher ended up being drafted by the Kansas City Royals and in fact is involved in the whole professional baseball process at this time. As I understand it, he is unavailable to be here, but Ryan Douglass there has been a lot of publicity surrounding him. He has some unbelievable statistics. An ERA of .51, and a 27 and 6 record, and 336 strikeouts in 217 innings. Mr. Douglass is with the Kansas City Royals right now.

This is about the Canevin High School Baseball Team, not about Mr. Douglass. It is a team and they won as a team. We are very proud to have them. The Resolution reads:

**MR. HERTZBERG PRESENTS:**

No. 2086 WHEREAS, the Canevin High School Baseball Team, coached by Robert (Red) Locke, who is here with us today, and assisted by Bill Priddy, Frank

Vitale, who is also here, Chris Kruze, and Ben Williams, played in the PIAA Class AA State Championship game on June 12, 1997; and,

WHEREAS, this 1997 team, after having a banner season recording 21 wins and only 4 losses, tied for Section 4AA title, advanced to the WPIAL Finals, and became the first Canevin Baseball team ever to play in the PIAA Championship game; and,

WHEREAS, Canevin's winning team consisted of seven Seniors: Jason Bell, Matt Bittner, Tom Coleman, Ryan Douglass, Grey Dukes, Steven Jutca, Justin Schuler; seven Juniors: Ryan Altenbaugh, Mike Costanza, Alex Dankmeyer, Tim Foley, Don Noel, Chris Rayburg, Jake Stump; five Sophomores: Chris Bartell, Dale Checketts, Mike Conley, Lee Myers, Mike Stepek; and five Freshmen: Brendan Cleaver, Jim Kennan, John Meyer, Craig Meyers, and Lee Tenace; and,

WHEREAS, this Canevin team attributed its success to doing everything as a team, not as individuals, and playing well together;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh wishes to congratulate each individual member for their great achievement as TEAM players, and to encourage them to always be a TEAM player in their journey toward a successful life.

**THE CHAIR** moved to adopt the resolution.

**MR. HERTZBERG:** seconded the motion.



Which motion prevailed.

**MR. HERTZBERG:**

Red Locke, the successful coach of the successful team. Congratulations.

**COACH LOCKE:**

I'd like to thank Councilman Hertzberg and the rest of the Council for having us. These gentlemen did a fine job. I'm sorry that some of them are away on vacation. We just wanted to thank you again for this honor and hopefully we can continue. Thank you so much.

**PLAYER FROM THE FLOOR:**

I would like to thank City Council for having us down here. It's been a real honor. I would like to thank you coaches Red Locke, Frank Vitale, Bill Priddy and Coach Kruze for helping us become better ball players and better people. I would like to thank all the Seniors for leading us through this great season, and I wish luck to all the underclassmen for next year. Thank you.

**MR. HERTZBERG:**

Finally, I'm going present each of you with a copy of this proclamation.

**THE CHAIR:**

And Councilman has one more to be read into the record.

**MR. HERTZBERG PRESENTS:**

No. 2087 WHEREAS, Three Rivers Center for Independent Living,

located at 7110 Penn Avenue, Pittsburgh, PA 15208, is a community-based, non-profit organization dedicated to empowering individuals with disabilities to take control of their lives and to live independently and productively within the community; and

WHEREAS, Three Rivers Center for Independent Living and Allegheny General Hospital joined together in 1993 to begin planting seeds in our community to encourage the participation of people with disabilities in everyday life activities, and to make the public aware of the physical, attitudinal, systemic and communication barriers that exist for over 49 million Americans with disabilities through BARRIER AWARENESS DAY; and

WHEREAS, on Sunday June 22, 1997 to commemorate the achievements of Barrier Awareness Week, Three Rivers Center for Independent Living is sponsoring Pittsburgh's first annual Summer Soulstice; and

WHEREAS, this year's activities are taking place at Boyce Park Ski Lodge from 1 P.M. to 6 P.M. and include an international music festival, outdoor community picnic, vendor tables and informational displays highlighting disability awareness.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Three Rivers Center for Independent Living for heightening public awareness of the barriers that confront people with disabilities; and,

BE IT FURTHER RESOLVED, that Pittsburgh City Council proclaims

June 22, 1997 as BARRIER AWARENESS DAY in the City of Pittsburgh.

**THE CHAIR:**

Let's wait until our students exit.

**THE CHAIR** moved to adopt the resolution.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

**MS. MCDONALD:**

I want to welcome Director Lowe from the Housing Authority this morning. I didn't see you in the audience. Good morning.

**MS. MCDONALD:**

Good morning. Would Paul Breck (phonetic) please come forward to receive a Resolution?

You had a busy day to come here. I'll read the Resolution which is very self-explanatory and then, Paul, if you would you make some remarks, including about the East Liberty Alive.

**MS. MCDONALD PRESENTS:**

No. 2088 WHEREAS, a Friday, June 27, 1997, the East Liberty Quarter Chamber of Commerce will host a dinner honoring volunteers, businesses, and organizations who are changing the look of the East End; and,

WHEREAS, the event is dedicated to honoring and recognizing those many

individuals, organizations, businesses, and churches who have donated their vision, time, money, and hard work to help make East Liberty and the East End neighborhoods more beautiful and to set an example for our children; and,

WHEREAS, while others wait for someone else to act, these honorees have rolled up their sleeves and taken on a leadership role in the community. These are: The American Automobile Association (AAA), Bell Atlantic, Craig House School, Dilworth School, East Liberty Development, Inc., East Liberty Gardens Tenants Council, East Liberty Lutheran Church and East Liberty Presbyterian Church, East Liberty Rotary, East Liberty Salvation Army, Eastminster United Presbyterian Church, Friend's Amoco, Highland Park Community Club, Liberty Park Tenants Association, McDonald's, Mellon Bank, National City Bank, Pittsburgh Civic Garden Center, Pittsburgh Department of Public Works, Pittsburgh Parking Authority, Pizza Hut, Real Estate Enterprises, Vintage, and Western Pennsylvania Conservancy  
it just occurred to me these are in alphabetical order. Very good to my staff; and,

WHEREAS, realizing that neighborhood betterment is an ongoing process, honorees have shown consistent dedication to their cause. Their work within the community has been strong for many years. Through the efforts of these honored residents through the efforts of these honored, residents can be proud of the community their children will inherit.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Pittsburgh commends all the honorees

named by the East Liberty Quarter Chamber of Commerce. We also wish them continued success in the future.

**THE CHAIR:** Move to adopt the resolution.

**MS. MCDONALD:** seconded the motion.

Which motion prevailed.

**MS. MCDONALD:**

Now, I'd like to introduce Paul Breck, who is the Executive Director of the East Liberty Quarter Chamber of Commerce, and invite him for remarks, as well as colleagues Councilman Cohen and Councilman Ferlo who also share the East End; and as I will tell Councilman Onorato, that is God's country.

**PAUL BRECK:**

Thank you very much. I would like to say that the person who should be here this morning accepting this proclamation is his name is Dale Ziegler, who has very quietly for the last three years been organizing the volunteers; and volunteers not only from East Liberty but from Highland Park. I really would like to pay also tribute to those volunteers from Highland Park, who unselfishly not only keep their community looking attractive, but they have come into East Liberty and they have gone into all the corners of East Liberty. They have cleaned the trash, they have planted flowers, and if you would come out to East Liberty you will see they are all in bloom this year. This has been a quiet effort for the last three years.

Lastly, I would like to invite you all to come to our East Liberty Alive celebration. It is a family celebration.

This is our fourth year. It will be the weekend of July 19th of this year. We call it East Liberty Alive Family Festival. That is exactly what it is, it's a family festival. We want to show off our community. Please come. Thank you.

**MS. MCDONALD:**

Excuse me, I forgot. Councilmen Cohen, O'Connor, and Ferlo, do you have any remarks? We share the East End. We share East Liberty, actually, because it feeds into Shadyside, Highland Park, Squirrel Hill. It feeds everywhere. Any remarks?

**MS. MCDONALD:**

There it is. Okay, Mr. O'Connor, you know he is going to have remarks.

**MR. O'CONNOR:**

Actually, I have a lot to talk about on East Liberty and one of the votes that I think East Liberty has been neglected over the history for quite a few years since the circle started and the big mistake you're making a great effort to bring it back and it really serves the whole area and I want to congratulate you for your hard work.

**THE CHAIR:**

It's the next TIF.

**MR. COHEN:**

I want to commend the organization for coming together and I really think there is going to be a resurgence in East Liberty. East Liberty is the linchpin in many ways to the East End because of where it's geographically

located and how important it is, so I hope that we will be able to work closely together to see a resurgence there.

I agree with Councilman O'Connor that we need infrastructure improvements as well as quality of life improvements there; and hopefully, with Councilman O'Connor's leadership, we will see both.

**THE CHAIR:**

Thank you.

**MR. ONORATO:**

Two for the record.

**THE CHAIR:**

Hopefully, Councilman Udin will be out here shortly for our guests.

**MR. ONORATO AND ALL COUNCIL MEMBERS PRESENT:**

No. 2089 WHEREAS, on June 28, 1997, Mt. Zion Baptist Church Youth Outreach Ministry presents the Second Annual Youth Conference and Cook-Out; and

WHEREAS, the conference provides area youth with a broad range of information to enhance their growth and assist in their development toward better ways of living; and

WHEREAS, the conference also provides information on education, jobs, teen pregnancy prevention, existing youth programs, neighborhood problems and possible solutions; and

WHEREAS, a host of speakers from the City and Borough, youth directors and corporate youth directors, teachers and youth representatives address community children and young people; and

WHEREAS, the goal of the conference is to reach as many youth as possible and build a group of future leaders and to aid them in creating a positive and healthy future; and

WHEREAS, the conference delegation wishes to provide young people with an alternative to being on the neighborhood street corners, to encourage them, show understanding and remind them of true values, morals and spiritual strengths upon which this country was built.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Brother Kenny Bryant and all of those individuals involved in making the Second Annual Youth Conference and Cook Out a success.

**THE CHAIR** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**MR. ONORATO PRESENTS:**

No. 2090 WHEREAS, the Grand Lodge of Pennsylvania's 1997 Gold Medal for Distinguished Service is being presented to Pennsylvania Supreme Court Justice Ralph Cappy; and

WHEREAS, the Gold Medal is the Grand Lodge's highest honor awarded to

those individuals who have made contributions to the Commonwealth and their own community and who exemplify and promote the Italian spirit - love of family, love of church, hard work and obedience to the law; and

WHEREAS, the 44th Biennial State Convention of the Sons of Italy is being held at the Westin William Penn from June 25 - June 28, and Justice Cappy will be presented with the 1997 Gold Medal Award at the Saturday evening Gala Banquet; and

WHEREAS, Justice Cappy began his law career in 1968. He is a distinguished lecturer. He has served as a judge in the Court of Common Pleas and now serves as a Supreme Court Justice; and

WHEREAS, Justice Cappy is rated as exceptionally well qualified by the Judiciary Committee, Pennsylvania Bar Association. He has received the Academy Award by the Academy of Trial Lawyers. He was given a Citation of Merit by Mothers Against Drunk Driving. He has been named Man of the Year by the Glassport Lodge Sons of Italy, the Italian American Heritage Foundation, the Pennsylvania State Police and the Pennsylvania Fraternal Order of Police; and

WHEREAS, Justice Cappy is a member of Glassport Lodge No. 91. He is married to the former Janet Fry and they are the parents of one son, Erik.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Justice Ralph J. Cappy on being named the 1997 Gold Medal Award winner.

**THE CHAIR:** move to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**THE CHAIR:**

Presentation of papers.

**MR. COHEN PRESENTED:**

No. 2091 Resolution providing for the issuance of a warrant in favor of Mobile Health Services in the amount of One Thousand One Hundred Ninety Four Dollars and Sixty Five Cents (\$1,194.65) for the purchase of emergency equipment.

No. 2092 Resolution providing for the issuance of a warrant in favor of Markl Supply Company in the amount of One Thousand Seven Hundred Fifty Five Dollars (\$1,755.00) for the purchase of police operational equipment.

Which were read and referred to the Committee on Finance and Budget.

No. 2093 Resolution providing for an Agreement or Agreements with a psychologist or psychologists for professional psychologist services at a cost not to exceed \$65,000.00, and providing for the payment of the cost thereof.

No. 2094 Resolution providing for a Contract or Contracts, or the use of existing Contract or Contracts; or Agreement or Agreements for the purchase of two vehicles and related accessories, for the Emergency Operations Center,

Department of Public Safety and providing for the payment thereof.

No. 2095 Resolution providing for a Contract or Contracts; or the use of existing Contract or Contracts for the purchase of fire hose for the Bureau of Fire, Department of Public Safety and providing for the payment thereof.

Which were read and referred to the Committee on Public Safety.

**MR. HERTZBERG PRESENTED:**

No. 2096 Resolution authorizing the Mayor, the Director of the Department of General Services and the Director of the Department of Finance, on behalf of the City of Pittsburgh, to solicit proposals for the purchase and development of certain parcel of real property and structure located at 344 Boulevard of the Allies in the First Ward of the City of Pittsburgh, to be used for the development of commercial or residential housing. The minimum purchase price shall be \$100,000.00. The form of the request for proposals shall be approved by the City Solicitor and shall contain such terms and conditions as the Solicitor may require.

Which was read and referred to the Committee on Lands, Buildings & Procurement.

**MS. MCDONALD PRESENTED:**

No. 2097 Resolution transferring the amount of \$12,000.00 from Code Account 1001-2, Salaries & wages, As Needed, City Council, Account 511000, Sub-Class 010, Organization 101100, both within Fund 1000 for budget year 1997.

The purpose of the transfer is to pay for expenses relative to Council District 9. Which was read and referred to the Committee on Finance and Budget.

No. 2098 Resolution authorizing the City of Pittsburgh to submit grant applications to, and execute relevant agreements with, the Pennsylvania Department of Conservation and Natural Resources under the provisions of the Pennsylvania Recreational Trails Program.

Which was read and referred to the Committee on Housing, Economic Development & Promotion.

**MR. O'CONNOR PRESENTED:**

No. 2099 Resolution providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or user of existing Contracts and for the purchase of materials and equipment in connection with the renovations and Repairs of Various Swimming Pools; and providing for the payment of the costs thereof, at a cost not to exceed \$107,000.00, chargeable to and payable from Account 600000, Fund 5100, Org. 301000, Sub-Class PGHPR, Project/Grant 22242000, Budget Year 1997.

No. 2100 Resolution further amending Resolution No., 1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Program; and approving the 1997 through 2002 Capital Improvement Program," by adding \$107,000.00 as a 1997 appropriation to an existing program (Pool Rehabilitation)

Which was read and referred to the Committee on Engineering and Construction.

**MR. ONORATO PRESENTED:**

No. 2101 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 7, by changing from "A1" Commercial-Residential Associated District and "M4" Heavy Industrial District to "C3-H" Commercial/Residential District all that certain property bounded by: South Ninth Street, a line located between South Ninth Street and South Tenth Street a distance of 258 feet south of and parallel to the Bingham Street right-of-way 17<sup>th</sup> Ward.

No. 2102 Resolution amending Resolution No. 74, approved February 15, 1995, entitled providing for implementation of a Residential Parking Permit Program (RPPPP Area "W" in the Crawford-Roberts community pursuant to the Pittsburgh Code Chapter 549" so as to amend streets included in Area "W".

Which were read and referred to the Committee on Planning, Zoning and Land Use.

**MR. RICCIARDI PRESENTED:**

No. 2103 Resolution accepting the dedication by Urban Redevelopment Authority of Pittsburgh of Technology Drive in the Pittsburgh Technology Center Redevelopment Area in the 4<sup>th</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh for public highway purposes, opening and naming the same, fixing the width and position of the roadway and sidewalks, and accepting the grading, paving, curbing,

street lighting and storm sewer and waterlines in the Pittsburgh Technology Center as public improvements of the City of Pittsburgh.

No. 2104 Resolution authorizing the Mayor and the Director of the Department of Public Works to execute an Amendment Service Agreement with the Borough of Plum, the Plum Borough Municipal Sewer Authority and the Allegheny County Sanitary Authority consenting to the assignment of a Sewage Service Amendment Agreement among the City, the Allegheny County Sanitary and Plum Borough to the Plum Borough Municipal Sewer Authority.

No. 2105 Resolution vacating a portion of Clark Way between Heldman Street and Roberts Street and Unnamed Way from Heldman Street to its westerly terminus in the 3<sup>rd</sup> Ward 6<sup>th</sup> Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water & Environmental Services.

**MR. UDIN PRESENTED:**

No. 2106 Resolution providing for a contract or contracts, or the use of existing contracts for the purchase and delivery of a new computer software. The MetSYS database system is a comprehensive client information software package that will allow us to integrate all aspects of our applicant/participant information management needs. The total cost of the contracts will not exceed forty six thousand (\$46,000.00) dollars.

No. 2107 Resolution repealing forfeiting Resolution No. 882, Item G, effective November 1, 1996 and

reinstating Resolution No. 1448, Item A, effective December 31, 1993, as amended by Resolution No. 74, effective February 16, 1994, which authorized the sale of a two story brick house situated on a lot 220' x 110', known as 4812 Rosetta Street, 10<sup>th</sup> Ward, Block 50 F, Lot 73, to Valerie L. Reuben, for the sum of \$6,000.00.

No. 2108 Resolution repealing Resolutions approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

No. 2109 Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

No. 2110 Resolution providing for the filing of a petition of petitions for the sale of certain property or properties, acquired at Tax sales in accordance with the Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

#### **THE CHAIR:**

That concludes our Presentation of Papers. Are there any matters under Unfinished Business or Reports of Special Committees?

Moving to Reports of Committees.

#### **THE CHAIR:**

Thank you, Councilman. I think there is one bill in here that had a negative recommendation. Do you want to take that first? Bill 2041.

#### **REPORTS OF COMMITTEES**

##### **MR. UDIN PRESENTED:**

Bill No. 2111

Report of the committee on Finance and Budget for June 18, 1997, transmitting one resolution to Council

Which was read, received, and filed.

Also, with a negative recommendation.

Bill No. 2041:

Resolution providing for the lease of certain property on the fifth floor of the Allegheny Building at 429 Forbes Avenue for the term of 62 months. The lease of 62 months will house classroom and office space for the Pittsburgh Partnership Joint Jobs Initiative Single Point of Contact Program upon certain terms and conditions, and providing for the payment of the costs. The total costs for 62 months shall not exceed \$524,088.00.

Which was read.

##### **MR. CUSICK:**

This piece of legislation that is before us really brings up some big red flags, for at least me it does. I think we are going to enter into an agreement for five



years when I know that I've spoken to a couple of the larger real estate people in the downtown or surrounding downtown area, that have never even been approached by the city in regards to leasing space. I think it would only be wise for us to have the individuals from personnel to get in touch with some of these larger real estates. They told us that they were in touch with them and they weren't. In fact, they weren't in touch with them. And, at an average rate for square footage of \$12.75, I think it would be irresponsible for us to move on this. I'd like to make a motion to recommit at this time.

**THE CHAIR:**

There is a motion on the floor for recommitment. Is there a second? Is there a second for discussion on the recommitment, knowing we are actually probably talking about the bill whether we like it or not? Is there a second on the recommitment or what?

**MR. RICCIARDI** seconded the motion.

**THE CHAIR:**

Second on the recommitment. Technically, we are supposed to be discussing the recommitment, but we'll be a little liberal on this.

**MR. UDIN:**

I want to speak. Yeah, I want to speak.

**THE CHAIR:**

You can speak all you want.

**MR. UDIN:**

I want to speak against the recommitment. I think that primary information that the department was requested to present has been presented. I hope Councilman Cusick's office is in receipt of the information, but there is absolutely no reason that we have to recommit this Bill.

There was some, I think, unfortunate and incorrect information at the table last week which I think placed this whole project out of context.

Number one, a five-year lease for a commercial operation with this amount of space is not an unreasonable period. It's not an abnormal period. A five-year lease is quite common. So it's not an unreasonable period of time. It's also not an unreasonable rate for a downtown, especially around the outer edge of downtown. If you check the commercial square footage rates for the center of town, you are gonna find rates up around \$18 to \$20 a square foot. These are not out of line. These are not gigantic square footage prices. These are standard rates and I'm sure that commercial real estate offices will be able to confirm that.

There was also a suggestion that the that there might be a negative impact on the budget somehow. This is funding from a federal grant and the funds for this job training program must be spent for the purposes for which the grant was received. That is for the job training activities. It cannot have a negative impact on the City's structural budget. So I just want to clarify that there is no threat to the structural budget of the city as it was suggested; as I was watching the tapes from last week's meetings. If we don't spend these federal funds on these job

training acts, they just go back to Washington, D.C.; so the funds have to be spent for the job training program.

In order for a real estate company, Mr. President, to bill out and to accommodate the needs of a leasee lessor this size, it has to make investments, financial investments of building up the rooms, and the electrical outlets and needs, and the plumbing requirements, and all the accommodations that this size of a lease will need. That requires the landlord to invest a great deal of money.

In order for the landlord to be able to get that money back from the lease, they have to be assured of a lease that is going to extend over a period of time, and that is the reason why commercial leases extend from three to five years.

So this is not an abnormal lease. I don't know why this project was the one we decided to latch onto and make it a big gigantic political dog fight, but it is not deserving of that. It is a normal leasetime. It's a reasonable rate, perhaps even lower than reasonable rate, and it has no impact on the budget.

There is no reason to recommit this bill, Mr. President, and I will speak strongly against recommitment.

#### THE CHAIR:

I have to just respond quickly because for one thing, there is no political dog fight here, and I resent your characterization at least in the terms of the questions and concerns that I raised at last week's meeting, which had nothing to do with politics but had everything to do with

the due diligence and the fiduciary role of the City Council.

I asked several basic questions. It wasn't political in nature. I asked very simply whether or not other public facilities, including the Public Safety Building, shouldn't be considered for permanent office space for this multiyear funded program known as the Single Point of Contact Program, which we receive federal dollars to pay the rent for. That's a reasonable question that nobody answered at the table.

Now, granted Director Parees may not be the person to have to answer that question. I respect the fact that she is hard at work doing this program. She relies on the facilities management people and others to figure out the facility issues involved in the city, but I don't think it's unreasonable for us to ask. We had \$8 million of JTPA funding on the agenda this past week of which this is a significant portion in terms of the SPOC Program, in this case, the rental.

I would like to know we have a bill here today introduced to sell this downtown fire station on the Boulevard of the Allies to the URA for housing.

Is there a possibility that that could house a city program and we collect indirect costs for rental like we do with the City Cable Bureau?

It's a reasonable question. It's not politics. It's not a dogfight. It's asking a relevant question about this program and whether or not we can recoup some costs. We are paying for that Public Safety Building, which is pretty much half empty in terms of the special needs of the city

programs and I am perplexed as to why we shouldn't at least go through that due diligence. If they've done it, great, come to the table and explain what have you inventoried in terms of other city properties.

What is the possibility to rent out, make arrangements, lease?

We have union carpenters and craftspeople that can retrofit any building. We have done it at 200 Ross Street, which we bought into. I don't think that's an unreasonable request regarding the situation.

The other thing is we ask for some in other debates we have had at the table about rental of property. Previous administrations have come to us and shown a grid of various landlord office spaces that they've interviewed down to what the dollar rate was, what the arrangement is, and they explain how it is that they ended up staying or deciding the Allegheny Building versus another arrangement. I don't think that's not an unreasonable situation. Councilman O'Connor.

**MR. O'CONNOR:**

I agree with you in principle. I think Mr. Udin brings up a good point. If it has to be in a downtown office building, maybe it's a reasonable rent, but that isn't the question, I think, we're leading to.

As you alluded to, we have a lot of property ourselves the city owns. This is a \$500,000, a half million-dollar investment just for five years. After that there is nothing left. If we did that, whether it be one of our existing buildings what I

wanted to allude to, what we were talking about when we had this gentleman here from East Liberty. I would look at you know, the Pennsylvania Department of Environmental Resources left East Liberty, the Highland Building, with 200 jobs, and went to Harris Island just a few years ago. That took 200 solid jobs out of a community. It was good for Harris Island maybe, but it wasn't certainly good for the East End.

I would ask the administration to look at something like this for seating, whether it be East Liberty, North Side, South Side; but I'm just picturing East Liberty right now. If it could have been an economic if government has a responsibility, if we are going to put and here you're talking about 30 jobs and 90 people visiting every day, East Liberty is on a bus way, has a bus route, has the what do you call it?

**THE CHAIR:**

EBA.

**MR. O'CONNOR:**

Also, right on the not a regular bus route but we have from downtown the

**THE CHAIR.**

The EBA.

**MR. O'CONNOR:**

EBA, the busway. Okay. That's what I was looking for. We have the busway there. It is centrally located. In fact, we just mentioned it, it serves four Council Districts and borders, actually, Mr. Udin's. It is very convenient.

I would look at something like that or a commitment from this administration to start seating those types of this neighborhood for job development, put money in, and later I'll be talking about TIF's.

I'll agree with you too, what they are doing for the North Side, we'll be discussing soon. I think East Liberty should be next. It's an area, I mentioned, I think it's like an old Cadillac that just needs refurbished.

For 25 or 30 years it's been neglected and this is an opportunity. I see something like this to put federal money into a neighborhood where it would benefit the people in the business and jobs and the people it would serve. That is the basics I'm looking at and I would certainly support a hold for further discussions.

**THE CHAIR:**

Thank you, Councilman.

**MR. ONORATO:**

Last Wednesday, I voted no on this bill and I think there was five in the room and it had a negative recommendation at the time. The reason I voted no for some of the reasons that were mentioned earlier is that I said that we have been talking a lot about getting some of our buildings and making some of our authorities, or these types of programs where federal dollars are involved, to pay the lease back to the city. So while this is not, indefinitely is not a drain on our budget, it could be a positive to our budget if we arrange the finances in the proper way.

I am not picking on his program, but I want to make it clear if I vote for recommitment today it is not because I want to go out for a bid to the biggest real estate company in town. My position of recommitting is to go to the City of Pittsburgh and look at our inventory of buildings.

I will not support a rental to an outside real estate company for this program. That is why I voted no. It was nothing against this particular deal. It was the concept of going to an outside private owner when we have some buildings that we currently own that we could receive some of these dollars.

I just want to point out the reason that I can state that I am not picking on this particular program is during the budget, we made it very clear and I made it very clear, that I thought that the Housing Authority, Pittsburgh Water and Sewer Authority, and the URA should all be moving into the old Public Safety Building. We thought they were going to pay us rent, these authorities, because they are currently some of them are located with private companies, some of them are in the URA Building. I look at the Produce Building that is owned by the URA, and I look at the URA Building that is owned by the URA, and I really believe there is an opportunity here to get these back on the tax rules.

We should get out of the business of real estate on certain buildings and these places need locations to be located. It's a way to put rentals back in to the city coffers. It's a legitimate arm's length transaction because it going to happen anyway somewhere. Why give it to the private sector when you can put it back

into the city coffers? We can easily judge what that rate should be based on the market in this town. That is not hard to figure out.

So my reason for voting for recommitment is strictly on that principle, not on looking for a better deal in the private sector. It's on the principle of, I think we should be using our buildings versus an outside.

**MS. MCDONALD:**

Yes, I was not privy to the discussion last week about this bill, but I was prepared to go ahead and vote yes because of the paperwork that Director Parees had submitted to all the Council members, which I did read, and it went through the process that this is the best fit for the SPOC Program in terms of consolidation of offices instead of two at Penn Avenue just to have one. So I was not second guessing. I was basically assuming from the evidence that was given to me that they had done due diligence in terms of finding this space.

My main concern is this, that we can argue about buildings and Councilman Onorato's and Councilman Ferlo's statements are very well taken that we need to start utilizing our own resources more effectively; but I think we also have to keep in focus the SPOC Program and what is best for those women who the government is paying to get off of Welfare. That is our primary concern, not what is easiest for the city, but what is best for them, because the federal government is paying for what is best for them. It is our due diligence, the city officials, to coordinate with the Federal Government on what's best, how best to spend their money.

As far as the Public Safety Building or some other building, the concern is how are women going to get there? Obviously, they don't drive BMW's. They don't have money to park. We, half the time, don't have money to park in town. They have to get there by public transportation. So our focus should be: What is best for them in terms of specialization, the ambiance, the easiest to get to by public transportation, access to child care; or like in the building that we are considering, child care is right in the vicinity.

So, again, if we would focus on what is best for those women that we are serving, that we are getting paid, we're getting paid to serve, I think maybe it would mitigate a lot of the discussion and the debate.

But I do take Councilman Ferlo's and Councilman Onorato's and Councilman Cusick's statements that we do need to start utilizing our own buildings. I don't dismiss their comments. I think they are well taken, but I do want to get on with the program, the SPOC Program. We need to keep them in focus.

**THE CHAIR:**

I think Councilman O'Connor has the best idea, take over the Highland Building and let it be the Councilman Hertzberg.

**MR. HERTZBERG:**

Thank you, Mr. President.

One of the problems here and Director Parees addressed it when she was at the table on Wednesday is the timing

here. She really asked us not to hold the bill last week. They're in need of a location. I think the space is available and they're ready to do something. If they don't do something now to get themselves in there, the whole program is going to be interrupted and have some problems.

The other item that she mentions when we're talking about city facilities and just parenthetically, I personally believe the city has done an excellent job, and the URA has done an excellent job in managing all of our real estates and there's examples all over this city and I don't think the Public Safety Building is mismanaged at all. I think there has been an excellent job done there managing it and moving different tenants in there.

But, if you recall what was said at the table last Wednesday concerning the rental of a city facility, it was that it would be prohibited because of the funding source of this money. We would not be able to both take the money from the Federal Government for this program and then give it back to ourselves in the form of rent. That would be, I think that would have an appearance of a potential conflict of interest and Director Parees told us that this would be a problem.

Now, if you if this is incorrect and the wool's being pulled over my eyes then I'll stand corrected, but that is what I was told at the table and I'm not prepared to recommit this. I don't see a reason to. I think the lease that they're proposing to enter into as far as the rates are concerned is very reasonable, very competitive considering the location right in the central business district of downtown which is, where again we were told, this program really needs to be.

**MR. COHEN:**

Thank you, Mr. President. I'm prepared to vote on this today. I recognize the points that you made and others have made and we often make in this Council where we are the last step in the process and not involved early on, and that often happens and I get frustrated by that. However, in this case, I believe Director Parees and the Personnel Department have done their have done their homework and have come up with, I think, a strong program.

Our obligation is not to go out and interview every real estate agent in the City of Pittsburgh. Our obligation I'm just responding to Councilman Cusick's point that he had made earlier our obligation is to come up with a good space at a competitive price that satisfies admission of this program. It appears to me that this is the case. It looks like, to me it looks like a competitive rate for downtown space. It's a very successful job training program, and one that needs to move quickly. For that reason I'm prepared to vote.

**THE CHAIR:**

Thank you.

**MR. RICCIARDI:**

Yes, thank you. I'll be very brief. I've reviewed the correspondence dated June 18, 1997, and maybe, unfortunately, there was a cross on phone calls yesterday. I did call Barbara Parees to ask her some questions yesterday, but did not receive a return call.

Just to respond to my colleague, I become very frustrated when directors come to the table and they say we you cannot hold this for one week. This needs to be done this week. If this doesn't happen meanwhile, they have been working on something for several months and that's the reason I'm recommitting. I'm being very objective. I've been listening to everyone's discussion. However, that discussion from the other side is swaying me to recommit.

I get very frustrated at times. I get very angry and that excuse and I call it an excuse, sometimes an excuse, sometimes I think it's intentional that you can't recommit. You have one week to decide. No, that just doesn't fly any longer and what we should look at, if we can't pay ourselves the rent what we might be able to do is offer free space, and those dollars might be able to go back into the program for retraining and training. Wouldn't that be a big win fall for the program? If we could use the money for training and not pay it out to the private sector.

Now, I'm not saying that I would not agree to go into the private sector, but I believe one week of holding this bill should not kill the program or hurt it in any way.

#### **THE CHAIR:**

We pay ourselves rent on every other federal grant program we get. Whether it be block grant, environmental grants, HUD grants, you name it, we pay ourselves indirect cost recovery. If there is something different, we would like to see the regulation.

#### **MR. UDIN:**

Thank you, Mr. President.

#### **THE CHAIR:**

Even though you're incorrect.

#### **MR. UDIN:**

I think indirect cost recoveries will be found to be quite different than paying ourselves rent. I would suggest that perhaps the solicitor could have someone to give us an opinion on the question. I think it's an important question we need to know not only for this federal program, but for other federal programs.

Also, I wanted to clarify that I would not begrudge any Council colleague the right to raise questions. My comments had nothing to do with raising questions. In addition to raising questions last week, there were some criticism launched at the program and I thought unfair criticisms. That is what I was trying to correct, relative to whether or not five years was a reasonable time, whether or not \$11.75 was a reasonable amount for downtown square footage. That's what I was trying to correct.

I think that the representative at the table with Ms. Parees last week did correctly indicate that we could not pay ourselves rent. Also, think that we are ignoring the fact that Director Parees did examine with the Director of General Services the question of the availability of sufficient city space. They did look at that. Deborah Miskovich looked at it with Barbara Parees and they came up with the conclusion that given the needs for the program, the size program, the availability to the population, etc., the city just did not

have sufficient space to accommodate their needs. It's not as though they didn't look at it. They looked at it and decided the city didn't have the space.

Now, when we recommitted, what are we going to do, create some space? The city doesn't have the space according to the person who, for the city, is the caretaker of our space. We don't have it. What are we going to recommit this bill to do? I think it's micromanaging the program, I think they've done due diligence, and I think we ought to not recommit this bill. I think we should move it forward. Thank you, Mr. President.

#### THE CHAIR:

Thank you, Councilman. Again, the vote is actually on recommitting the Bill. It is not voting for, it's not voting against. It's voting for recommitment for further discussion. Roll call vote and I hope you all vote aye.

The ayes and noes were taken agreeably to law and were:

#### AYES:

Mr. Cusick	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
	Mr. Ferlo
	(Pres't)

#### NOES:

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. Udin
AYES Five	NOES Four

Bill No. 2041 is recommitted.

#### THE CHAIR:

Moving on to the remaining Bills, if the Clerk could please read them.

With an Affirmative Recommendation,

Bill No. 2036:

Resolution authorizing periodic issuance of warrants in favor of the Commonwealth of Pennsylvania to pay the City of Pittsburgh JTPA Program's share of statewide online computer system cost for the period July 1, 1996 through June 30, 1997. Costs not to exceed \$15,196,00.

Which was read.

Also,

Bill No. 2037:

Resolution authorizing an agreement with a data collection agency and processing service to enable recipients to pay various parking citations via telephone by using their VISA, MasterCard or Discover Card twenty-four (24) hours a day.

This program is to be instituted at Traffic Court for traffic violations. Costs not to exceed \$300,000.00.  
Which was read.

Also,

Bill No. 2038:

Resolution amending Resolution No. 598 of 1996 entitled "Providing for the filing of an application by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of



Pennsylvania for grants in connection with the Job Training Partnership Act total costs not to exceed \$4,540,998.00.

Which was read.

Also,

Bill No. 2039:

Resolution providing for the filing of an application by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant in connection with the Job Training Partnership Act, costs not to exceed \$1,906,142.00.

Which was read.

Also,

Bill No. 2040:

Resolution providing for the filing of an application by the City of Pittsburgh with the Commonwealth of Pennsylvania for the grants in connection with the Joint Jobs Initiative Program Single Point of Contact Project, total costs not to exceed \$2,752,982.00.

Which was read.

Also,

Bill No. 2044:

Resolution providing for a warrant in favor of LexisNexis in the amount of \$1,468.51.

Which was read.

**THE CHAIR:**

You've heard the reading and titles of the bills. Is there any discussion?

**MR. ONORATO:**

Not to prolong the debate on this whole issue, but Bill No. 2039 and Bill No. 2040, if the Clerk could come over here. I have a proposed amendment for each and it's very minor, but if it's something that our colleagues feel more comfortable with talking again at the Wednesday's meeting, I'd be more than happy to support a recommittal. If the Clerk wants to help pass it around I have it in writing to talk about it.

On both bills, it deals with the JTPA Program and it was the issue I brought up last week. My personal feelings are that 90% to 100% of these young people should be working the Public Works Department. That's my personal feeling. However, my amendment recognizing that that position of 100% was definitely the minority on this body.

That I have an amendment which is adding a section to both these bills, exact same wording to both, which states, very simply, that 25% of all participants shall be placed in the Department of Public Works. The Public Works participants shall provide support to all six divisions within the department and that is cosponsored by my colleague, Councilman Ricciardi. If I can ask for a second at this point

**MR. RICCIARDI** seconded the motion.

**MR. ONORATO:**

For discussion. Mr. President, the reason I'm putting this forward, since last Wednesday

**THE CHAIR:**

Just for clarification, you're only amending the Summer Jobs Bill?

**MR. ONORATO:**

Bill No. 2039 and 2040. They're both the Summer Job Programs that relate to the participants. One of the amendments is Title Section 11, the other one is Section 13, that is the only difference; same wording on both amendments.

**THE CHAIR:**

It's moved and seconded. Other discussion?

**MR. ONORATO:**

Discussion.

The reason I'm bringing this forward is since last Wednesday, and I'm sure it's not unique to my district and I have to admit I was in Councilman Ricciardi's district with him for a day, just the general maintenance of the city we are having a problem. We all know that Public Works is at bare bones. Our divisions are so downsized right now, and I'm not criticizing anyone for the downsizing. I know it's a budgetary problem that we have, but we have an opportunity here to do something.

We have an opportunity where we are going to have a 1000 to 1200 youth in the city for six weeks. In the heart of the

grass and weed season and all the other problems you have with summer and rain and heat. I have steps that are overgrown. I have city walls and city sidewalks that are overgrown with weeds.

We could have a significant impact in the middle of the summer if we put more in the Public Works Division. The fact that we could be hiring 1200 kids and only 62 of them are going to be allocated to the city's department, 62 out of 1200, 25% would at least give you approximately 250 to 300 of the total going into the Public Works. That could have a significant impact. I wish the number was a lot higher, but I'm hoping to win some support on a compromise here.

I believe that if I had, let's say, 50 summer youths in Division One on the North Side; and I could attack the number of steps that we have on the North Side because of the terrain, and the weeds that are covering the steps that seniors and kids and everyone uses for work getting to the bus routes, up and down these steps, we could do go a lot quicker.

If I could attack some of the parks that we have, which are now under Public Works, to help clean and cut grass and with the garbage cans and the pool sites, I could go on and go on and go on.

But I can tell you, riding through my District and riding through Councilman Ricciardi's District, the work's there. It needs to be done and it's perfect work for summer youth to do. It's something we can supervise. We can assign them to an area and we can measure what is being done per week, and the residents of this city will physically see an improvement.

The psychological lift this can give to our neighborhoods by showing that we can maintain this city, and I've been stating over and over again as we downsized because of the budget problems, we should focus on what a government should do. That is Public Safety and Public Works. If we can't maintain our streets and provide safe streets, we shouldn't do anything else and we shouldn't spend a penny anyplace until we can do those, too.

I believe we need help in Public Works and this is the time to do it. We've got some federal dollars coming in. It will have the minimal it will have no impact on our budget because the jobs are there and they are getting paid for, and I think 25% is a reasonable request.

I felt that I'm conceding a lot of what I would like it to be; and I would hope that my colleagues, or at least the majority of my colleagues, would agree that 25% of the total would achieve what Barbara Parees and some of the advocates in council believe that you should be doing, but also will achieve the goals of what I think they should be doing. It's a fair compromise and then next year we could debate what the percentages could be.

Thank you, Mr. President.

**MR. RICCIARDI:**

Thank you, Mr. President. Thank you, colleagues.

Today's amendment before us is a very important amendment. Let's look at what it first does.

Presently under the proposed legislation by personnel, there's 62 young people to be assigned to Public Works. That's basically let's see 62 that will be 10 people per division. That will increase five fold, five fold. We will we go from 10 youngsters per division up to 50. With good management, that means we should get five fold more work done in our division.

It was very ironic because that day, as Chairman of Public Works, I was touring my district, some of the things that needed to be done, and I had an opportunity to talk to Councilman Dan Onorato after he championed the cause of more people in Public Works, and I showed him.

I think all of us received the same type of phone calls. We have overgrown weeds on city steps. We need sweeping done on city roads. For example, Carson Street, Warrington Avenue, Arlington Avenue, Sixth Avenue, just in my district alone we could use a few good sweepers.

There's a lot of work that needs to be done around the ball fields. 12th Street Park, it's the most used park in the City of Pittsburgh in terms of people going to 12th Street. It's a very safe park. We get a lot of communities that use it.

On Saturday, there's a group of parents and myself and we go and we pick up broken glass. Well, that's great and we should continue to do that, but with these young people we should do that. We should strike a proper balance and I think this balance strikes it.

If you look at the groups that are using are monies and are going to be doing

some hiring, the Pittsburgh Partnership Youth Work Summer Programs, these are very fine groups. There's about 50 of them.

As a matter of fact, there's a few in my district. Brashear Association's getting 25 kids. That's a lot of young people. SPURT is getting 18.

But look at it further and hopefully everyone had an opportunity. The school district is getting approximately it looks like more than Public Works, over a hundred kids. I spoke to a young man yesterday and what did he do last year for one of these groups? He cut grass, he swept and he did windows.

Well, I'm not sure if that's the way we should be spending all of our public dollars. Our public dollars are going to some of these community groups that all do fine work, but I'm not sure if that was the real intention.

Let's now get to the heart of the matter. I understand what Barbara Parees is trying to do, development, proper growth. Let's also remember that we here are not social workers. Our duty was to clean the streets, cut the weeds, pick up the debris, and make sure there is not glass in the parks. In order to do that, if you talk to your division manager, your division supervisor, you'll find out that six young people do not go far. Ten young people do not go far. This Amendment will times it by five, and I really believe you will have a lot of people doing a lot of fine work.

If this Amendment does not pass and I begin to get calls from constituents, I'm going to send them down to Barbara Parees' office and let her take the calls for

cutting grass, picking up glass, sweeping the streets.

We have a potential here to get a lot of our work done. Isn't it curious if you look at this list, colleagues, you don't see City Source on here. City Source is responsible for cleaning our property, city-owned property. We're not giving one young person, one adult, to City Source.

But instead we are giving them to a host of others including again, you know, in my own district. We are also looking into Duquesne University, Addison Terrace, Tenant Council, Brashear Association, SPURT; all fine organizations, a number of my district.

I just hope this passes. I think it's a proper balance. It's a nice compromise and it will increase our work five fold. Thank you.

**MR. COHEN:**

Thank you.

This is the first I've heard of this amendment. I'm open-minded to it.

My district is not different from Councilman Onorato's and Councilman Ricciardi's District in the sense that there is a lot of work that needs to be done. There is litter on many of the streets in my district. Graffiti on buildings, street boxes street light poles. All along Fifth Avenue right now there is graffiti on the street light poles and it sickens me when I see it. Dumping sites, fences that need to be painted. So in that sense, I'm open minded to this amendment. It does raise, however, a number of questions for me.

Number one is the timeliness of it. Obviously, you're responding to the legislation that just came up last Wednesday. I don't mean it that way but my understanding is that contracts have been already signed with all the groups that were that are on that list, so I need to have an answer on that.

If we were to go ahead with this, would that put us in any kind of legal jeopardy with all of the organizations that we already had agreement with in sending these kids over there?

Number two, if those contracts have not been signed and somehow we can rework this program, will there be proper supervision of these kids? Aside from having 300 now instead of 62, that requires a lot more supervision on our part, and does Public Works or some other department have the ability to properly supervise these kids so that if we do this it's real work and not make work?

I also want to have some assurance that 1/6 of this group would go to each of the Public Works zones to make sure everyone is equally every part of the city is equally treated.

So I'm open-minded to it, despite Councilman Onorato's and my differing views philosophically, I am open-minded to this amendment but I need to have those questions answers before we move ahead.

So I guess I would suggest that we somehow meet with Barb Parees and the timing issue is one where we got to move on this very quickly.

**MS. MCDONALD:**

This is, again, the first that I've been aware of this proposed amendment. I'm time not prepared to vote on this today at all simply because I think this is really stepping over the line in terms of micromanaging an initiative that is coordinated by personnel. I don't want to every get into legislation that is so specific and so micro-management oriented that it actually handcuffs the people that we pay to coordinate supervisors' programs and do what they feel is responsible according to the federal funds that we are allocated and which we are supposed to use effectively.

Another point, though, is when I read section ten. We're talking about this amendment cutting grass, cleaning streets, cleaning graffiti, what have you. Okay, that's real unskilled labor. Minimum wage, unskilled labor. There is nothing wrong with good old fashioned work and I think kids are too dog gone lazy and they don't know how to get dirty and sweaty and do work.

But again it gets into what is micromanaging too much. Section 10: The Mayor and the Director of the Department of Personnel and Civil Service Commission on behalf of the City of Pittsburgh are hereby authorized to enter into agreement or agreements with private for profit businesses, nonprofit organizations, etc.; but this is some of the language: They are to provide support services, provocational and/or vocational training, job search assistance, job counseling, remedial educational, basic skills training, institutional skills training, on the job training, school to work transition activity, literacy training, work experience, job development, pre-apprenticeship programs, financial and personal counseling. I really don't see how

mandating 25% of the young people's work force to do Public Works' jobs is going to fit in with Section 10.

I would think that we do need to have a discussion with the Director, but I don't feel very comfortable voting for this Amendment as part of the overall legislation because, again, it micro-manages. It sends to me the wrong policy statement to the Director that, what do we want? I don't think we should be telling the Federal Government who is giving us funds how to spend their funds. I think they are giving us funds, obviously we have some kind of mission statement here, and let the Director here and whoever coordinates this program do their thing and allocate the kids appropriately.

Another point last point. This city we're moving away as this city grows, we are really moving away. We are turning less blue-collar. We see high tech coming in. We see corporations and software and communication business. We are moving away from blue-collar. The steel industry is no longer very valid here, so our young people do need to have more work experience that does prepare them for the future work force, or at least to give them some type of sense of where they need to go in terms of education and job skills.

So, again, I have no problem with our young people learning how to clean their own streets. I agree with you but I don't feel comfortable with this Amendment being part of this overall legislation. Not at this time.

**MR. O'CONNOR:**

Well, I'm just the opposite. I think this is a great Amendment and I'll support

it 100%. I agree with a lot of what was said.

As Valerie said, we are moving from blue-collar to white-collar but no matter what 25% or more are going to be the plumbers, the carpenters, etc., and this is an opportunity and it's a challenge to our city division workers our division supervisors if they can handle 50 young people. I believe they can with the proper notice and training and job specs.

I believe it looks like we want to get back to basics in this city. The city is dirty. I've gotten a lot of comments from visitors whether they be through poor management or too many cuts. I don't want to become with the county. They can't cut the grass in the parks.

I believe we can improve quite a bit and this would be a great turnaround. Our parks each park could have one youngster or person handling that, responsible for it the day-to-day operations of that park, and every neighborhood in the city.

As you mentioned Councilman Cohen mentioned, the poles it's a disgrace. When I go through East Liberty Squirrel Hill, Hazelwood, Greenfield where you have people whether it be a lost cat or whatever on the poles, nobody's taking them down. Shining up our trash cans you know those trash cans that we buy every year for the last X amount of years whether they cost \$500 or \$750? No one cleans them. At least this would be a good GI and clean this city up. It would be good training for the people and I think a good challenge to our division supervisors.

This year would be a working experience and next year we could even improve on it. I would like to call it back to basics. Let the youngsters know how to we'll train them to show up early in the morning, do a good day's work, and I think they'll have pride in their city and their neighborhood for. I commend the sponsors.

**MR. UDIN:**

Well, I think that it's not a good idea. I think that it is a terrible mistake that we are making in interpreting what the purpose of the Job Training Partnership Act is, and what our responsibility is in implementing funds received from that Act.

If we were talking about adults I think it might be a little different perhaps unskilled adults in trying to find ways to include them in the labor force. We're not talking about adults. We're talking about children. We're talking about youth whose primary task at this point in their lives is to make some important decisions about skill development and career planning and job training.

This program is not intended just to supply the stipend that they will get for a salary. The purpose is to help them fashion the skills and the attitude that is necessary to prepare them for tomorrow's work world. That is the purpose of program. It's not their responsibility to clean up our streets! It's not their responsible to clean up our parks! That's the city's responsibility. We have to take on that problem. We cannot pass that problem on to the children who are looking for us and turning to us for job development and career development and

our response to them is for to cut grass, mow lawns, clean up garbage? We can do better than that.

There is nothing wrong with manual labor but the discipline and the promise and the work ethic is available for other kinds of job responsibilities too. Manual labor is not the only way you can learn how to work. There are other ways of learning how to work and these the personnel department and the whole coalition of agencies that are experts in job training have done hours and hours and hours of work figuring out how to best provide job training for our youth. They have come up with a strategy and I think their strategy makes sense.

I wonder how many of us sitting at these tables would pass up the opportunity if it were our own child to place that child in a learning situation, perhaps a law office, perhaps a computer agency, perhaps a biotechnology agency? If we had a summer, an opportunity to place them in a career development learning situation, I wonder how many of you would say no, I don't want them in that situation. I want them picking up garbage. I want them cleaning graffiti. I want them mowing the lawn. I don't want them to learn new technology. I don't think many of you would make that decision.

I'm not accusing anybody here at the table, Mr. President, of anything, but I can't help but wonder whether or not the image of this program, having an image of a minority targeted program, if that perception has anything at all to do with the fact that we would deny them the opportunity to get futuristic job development skills and suggest that they

ought to be cleaning up garbage and cutting grass.

#### THE CHAIR:

First of all, one of the problems by the very nature of the funding of this program happens to be an income means task, and that is unfortunate because I think there are a lot of young people regardless of what one of the 88 or 90 neighborhoods they come from all want an opportunity to work and to earn and to learn during the summer months.

I emphasize and support much of what you have just outlined, and clearly I would think if I could write a dream of what I would envision as a summer youth program, it would be modeled over some of the articulated concerns you just expressed.

However, having witnessed this program in operation over the years, unfortunately I don't think it's always the case that it's the type of that you've outlined. I think in many instances, even in some of the so-called subcontracted agencies, in effect, you have a lot of young people that are in a very unstructured program that are basically just "around". I've witnessed it firsthand, not only within the public housing community but elsewhere, a lack of supervision and lack of the kind of program that is supposedly there, supposed to be in, at least in terms of what they have been mandated to perform.

Now, I'm not saying we shouldn't thrive to make a better program. I think we should. I'm not necessarily opposed to what I would consider as Mr. Onorato's and Mr. Ricciardi's version of a summer WPA kind of a program. If you can have

60 young people working alongside city department folks, in this case Public Works and Parks, I don't know why you couldn't have 120. I mean one if it's appropriate to have 60, then why is it not appropriate to have twice as many in terms of getting more work done?

The issue is, is there something else that goes on within that component that happens during the day? I was under the impression that the program requires some type of educational component in addition to the actual hands on work.

It seems as though there's a lot of questions on the Amendment in terms of issues that have been raised. I don't know if the pleasure of the body is to recommit the bill or not. If the Amendments go through right now, I believe they have a majority five votes and they will pass.

On a practical level, I don't know if in terms of some of the issues that Councilman Cohen and others raised in terms of the supervision issue, that has been a problem in the past. In previous administrations at least, there has been a concern about the lack of supervisors in DPW to actually physically manage the number of young people that are working in the various crews. I'm not saying that's an insurmountable problem, but that is a real legitimate issue that has come up in the past when we've had a larger number of young people working alongside our city work force.

There is a supervision problem. There is an issue of the fact that the program is kind of already committed. I think they have already although they can't execute contracts until this Resolution is passed, they at least have on-



line a lot of subcontracting agencies and it's late in the year.

I'm not saying that that is a criticism to my colleagues who are offering an Amendment, I'm only saying that on a practical level in terms of this being late June already.

As a friendly suggestion I would like to suggest two things: If the vote goes through today, right now, it has five votes; I can count it as five votes. If we recommit it, I don't know if we are going to get any farther ahead because we keep hearing the same stuff at the table. I would suggest that we I don't know if you consider this a friendly Amendment or an anti-amendment, but to make it basically would be a goal, that the goal this year would be that 25 percent of each and that would be something the administration will work towards. I would just offer that as a friendly suggestion if not --

**MR. UDIN:**

Just a technical point, Mr. President.

**THE CHAIR:**

-- if not, then I wanted some direction from the body about what the pleasure is. Either we go ahead with the vote and the Amendment, which I think will pass, myself. I will support the Amendment or we recommit or we discuss it.

**MR. UDIN:**

Just a technical point on the recommitment issue.

**THE CHAIR:**

I have not made a motion because I cannot make a motion.

**MR. UDIN:**

I'm prepared to because I think that Councilman Cohen raised a very important question.

The time for this major reconsideration and restructuring of the program was during the budget deliberations, not one week before the programs are supposed to be implemented. If the City has, based upon our budget approvals, gone forward and continued the kind of contracting with community agencies that we have in the past, and they have those contracts in place, I think that's an important consideration.

I would rather recommit the bill so we can have a re-discussion of it than to blindly vote because we have five votes, not withstanding the fact that we have these contracts in place.

**THE CHAIR:**

Just to be fair to Councilman Onorato and Mr. Ricciardi. Both of them at length during the budget deliberations --

**MR. ONORATO:**

Thank you very much.

**THE CHAIR:**

-- spoke at length about having these summer job programs.

**MR. UDIN:**

We made decisions, we didn't change it. That was my only point.

**THE CHAIR:**

At this point, the Chair needs direction. We need to get an expression of the will of the Body --

**MR. UDIN** moved to recommit.

**THE CHAIR:**

-- as to whether or not excuse me. Excuse me. Excuse me.

There is a motion on the floor which will not be done away unless the sponsors of the Amendment have done it. The sponsors are Mr. Onorato and Mr. Ricciardi. I offered a friendly suggestion that was not excepted.

Now getting back to speaking on the Amendments that are on the floor.

**MR. COHEN:**

I have a suggestion, Mr. President. I was stating as a point of order, it can be either way.

In my mind, there are at least two questions that need to be answered. As I said, I am open minded to this. I wish I had been consulted beforehand, but nevertheless, I think that the Amendment is one that deserves worthy consideration.

Two questions: Number one is can we legally do this? And secondly, can we practically do this?

Legally with respect to any agreements we made with organizations about

**THE CHAIR:**

Can we clarify just that point? Let's just clarify that point because the executing contracts by the Administration and the Controller's Office cannot be executed until these Resolutions are authorized

**MR. COHEN:**

I understand that, Mr. President. I understand that, but I'm sure that there have been letters going back and forth stating --

**THE CHAIR:**

That's a different issue.

**MR. COHEN:**

-- commitments by the city, and I don't know whether those commitments are legally binding or not.

Second, just the practical considerations of how are we going to supervise them, because you and I both know, we've been here long enough, back when the Summer Program had many more youths assigned to the city, and I remember back in the early '90s when we had a lot more young people who are assigned to the City, one of the big problems we had two big problems: One is lack of supervision. Two is vans being demolished, okay, or being damaged. Those are two, I think, practical considerations.

Here is my suggestion: That we recess this meeting at the end of the day at the end of this meeting. That we recommit this bill so at least we can ask the Administration those issues. I'd like to ask Director Kraszewski if he can provide the supervision for these youths to be able to get these Public Works projects completed, and number two, what our legal obligations are.

At least be able to have one Discussion with the Administration in that and then have a final vote at the end of Wednesday's meeting.

In that case, we are only losing one day. I think it's worth doing.

**THE CHAIR:**

That was also another friendly suggestion, which I had but I don't know if that's going to be accepted.

I will say in the past there has also been an issue in the past. I don't know that it was relevant, I don't even know if it was accurate, but in the past, previous administrations have told us that there was an issue about the collective bargaining agreement regarding the number of summer youth workers that can augment the city work for us.

That may have been a bunch of baloney told us in the past, I don't know I mean by previous administrations. That may be another issue that has to be addressed.

**MR. COHEN:**

Just so the sponsors of this now the questions that I want to ask are to the solicitors and to Director Kraszewski.

I know you are probably concerned about bringing Director Parees up here because, of course, we assume that she will probably oppose this. I don't know if that is the case but the questions I had are to Public Works to see if there is proper supervision and to the solicitors to make sure that this is legal.

**THE CHAIR:**

Councilman okay, now we're speaking specifically to the Amendments on the floor.

**MR. HERTZBERG:**

I support the sponsors of these Amendments. I'll be voting for them. I'll look for their lead though, if they seek to recommit, I'll do that.

I'll continue to be supportive, although I hear the remarks that Councilwoman McDonald and Councilman Udin relative to, you know, wanting some experience for these individuals in white collar and a lot of other different kinds of employment.

I don't think the 25 percent amount is a particularly high percentage of people that would be doing the work with the Public Works and I know that we need to help the Public Works.

**THE CHAIR:**

Now, on the Amendments,  
Councilwoman McDonald

**MS. MCDONALD:**

On the Amendments, I would agree. In fact, that was what I was going to also suggest, Councilman Cohen, is that let's just say it this way: All of us represent disadvantaged kids whether they be white, black; but let's face it, most of these kids that get these jobs are minorities. I do believe it is our responsibility to instead of just, you know, with two lines here, 25 percent go to Public Works. I think we need to discuss with the administration how it's doable.

We're not if we recess the meeting, recommit this for another discussion at standing committees tomorrow, and then reconvene the legislative meeting and vote, let face it, there are more than five votes here for that.

But out of just plain courtesy to the children that we all serve and their parents and the communities, can we just allow one dog gone day so that we can get clarity as to how this is going to be done? How it is going to be supervised? There is a will of Council already to allocate about 25 percent whether we hear debate from the Administration. Whether they oppose it is immaterial.

The will of Council is already here. I'm just suggesting, as Councilman Cohen had said, that we at least provide the common courtesy to some Council members such as myself, who represent a large portion of these kids, as well as Councilman Udin, to discuss how this is going to be done.

What is the mission? Not a lengthy discussion, but I do have some questions. I do want to know how it's

going to be done. What is the mission statement of this whole JTPA, the summer employment thing. I just want some questions answers by the administration.

**THE CHAIR:**

I'd like to strongly suggest we vote up and down the Amendments. If the colleagues are strongly in feeling that they want the bills recommitted, then they should vote no on the Amendments and they will fail. Otherwise I don't know, we are kind of going a round robin now.

**MR. UDIN:**

Just one point on the Amendment. The fifth vote is that of the Chair and if the Chair could be assured that there will be a recommittal so that we could discuss it then the Amendment doesn't have that fifth vote.

**THE CHAIR:**

I think procedurally the Amendments on the floor, I have to respect the makers of the Amendments. They are not willing to withdraw and they are not suggesting a recommittal. They're asking for a vote on the Amendment.

**MR. UDIN:**

I was informing, colleagues, that anyone who wanted to vote no on this Amendment could be assured of a vote to recommit right after the vote was defeated.

**THE CHAIR:**

I kind of presumed that, but thank you for restating it. Mr. O'Connor, last

word and then we'll go to the sponsors of the Amendment, so get some direction.

**MR. O'CONNOR:**

I would like to clarify my past votes. I believe I have even voted against money, Mr. Ricciardi, and I will champion to vote no to this \$8 million because I thought the training was so poor no matter who the young people are.

I suggest no matter how the outcome of this goes, that Council does surprise visits and if I give them the benefit of the doubt saying half do a great job as Mr. Udin pointed out, the training programs whether they be law offices or whatever, we hope and dream that that would be our goal for everyone, but believe me, it's nowhere close.

If you went and visited half of the training and what the young people are doing, we are setting a very poor example for them. Anybody, first day on the job, not being busy enough, not being active, not having a job description and proper training.

Unfortunately, it's a lot of that. That's why I'm supporting at least 25 percent will learn how to work and keep busy and help the city at the same time.

Ideally, what you said would be great but in reality, it's nowhere near that. It's something we could all strive for but this year I guarantee it doesn't happen. If you really want to help the young people of this city, all of us could start rolling up our sleeves and looking at what is going on.

Again, a lot of them are doing great jobs here so I don't want to paint them all with the same brush.

**THE CHAIR:**

Okay, we're going to vote on the Amendments, but last word of the sponsor, Mr. Ricciardi and Mr. Onorato.

**MR. RICCIARDI:**

I'll be very brief. I didn't realize these Amendments would cause so much discussion.

First of all, once again, this is a classic example by this Administration and certain Directors not to bring this before us ahead of time. Allow us to be part of the planning process. That is classic. I think directors need to make phone calls to individual members.

Also, Ms. McDonald, we micromanage all the time. When we do our budget, we outline how many people are going to be working in each department. At first, I was listening to our colleague, Mr. Udin, and I said well, maybe he is making sense. Then I thought, wait a minute, we are willing to throw 62 people to Public Works, but not 300.

So there is nothing wrong with working in Public Works. They require discipline, they learn management skill, they learn a work ethic; so if we take the argument of the other side, let's throw 62 down in hell but let's save the other 200. Public works is not hell. There's a lot of fine individuals down there and you could learn a lot, and regarding my own child as Mr. Udin stated, through college and high

school I cut grass. I think Mr. Onorato said that and I learned a lot more than cutting grass. Please believe me. You learn discipline, you learn management, you learn work ethic, you strike up relationships, you get to go out and get a great tan; so there is a lot to do. There is nothing wrong with cutting grass. If we're willing to send 62 people down there, we could send 300.

But Mr. Cohen, I want to go back to what you stated. You bring up very important issues and I really wanted, if I may, but Mr. Cohen you bring up some really important issues but the problem is we know what this administration is going to say.

Dating back and the record will reflect this dating back to the Masloff Administration, I continuously said, "Let's put more people in Public Works" and there is always an excuse and excuse and excuse.

We recommit this bill and we are going to have more excuses about management, about supervision, about quality work; and we are going to hear more about the social work aspect and not what truly what these dollars are about, working in all fields of life.

Let's not lose track that these are public dollars. And if the will of the taxpayer believes we should be receiving more dollar more work in terms of Public Works then some other programs, so be it.

And I'm sure out there you took a poll, that the majority, the overwhelming majority, in all neighborhoods across the city of the taxpayer would say put more people cutting grass, picking up glass,

sweeping the street, coming in on time, learning a good work ethic, learning discipline and making those few dollars and going home with those few dollars. Again, a classic example of not allowing us to be part of the planning process.

#### MR. ONORATO:

Mr. President, I do have to respond to a few comments made because I was disturbed the way this was characterized by a few of my colleagues. But one, let me start I made some notes here, I want to make it very clear this is the furthest thing from my micromanaging.

All I am saying is 25% and it doesn't even say grass cutting, pick up garbage, paint fences, it doesn't say that. I was just adding examples, this says 25% of the participants will go to Public Works. Let them decide where to put them, I am not trying to manage Public Works or manage Personnel. We are just saying there is a need out there. We would like you to allocate some of the participants in that field.

I will refer to Section 10 of the one bill where it says that the Mayor and the Director of Personnel and Civil Service Commission on behalf of the City of Pittsburgh hereby authorize and enter into an agreement blah, blah, blah. But the wording starts with, but not limited to the following. But not limited to, this isn't a list of what it only can be. This is a suggestion of where it can go and some possibilities.

Let's read some of the wording, coordination, recruitment, outreach assessment, why can't we assess the county jobs these kids do in Public Works,

Support Services, prevocational? Do you know that in Public Works what I am trying to get a couple of my fences painted that were built during the 30's and 40's and the great Public Works programs that you have to go and get union workers out of the iron workers to do the painting? I don't know in my neighborhood, but if you don't think they are vocational jobs, you don't think there is training and craftsmanship involved in some of these works, there is a lot that can be done with vocational.

The majority and a large percentage of kids coming out of Pittsburgh Public Schools might be going to the vocational areas, but if you read the listing basic skills training, basic skills training, you have to have skill to do any job. Institutional skill training, on the job training, at bid school to work, transition activity, literacy training. Do you know how many reports are filed in Public Works every week on what has to be done and what is complete, and what isn't? Program evaluations, once again Personnel counseling, just qualified disadvantaged older workers, adults and youth. You can go on and go on and go on with the description in this number ten and you could make it apply to Public Works.

The point I am trying to make here, this is the furthest thing from micromanaging. But I really have to take exception to some of the characterization of this amendment as being it's insulting, it's a punishment. How dear we put X amount of kids in Public Works. First of all, we have hundreds of employees right now feeding their families working in Public Works. These are respectable jobs, these are jobs that have --- is going to penalize a child because we are taking

them out of a potential school to work program, this might be their work one day and it can be respectable work.

I don't think that we should ever characterize that. To be honest with you, I don't know where the race issue came from. The majority of these children are African American if they are white, so be it, they are disadvantaged children that are trying to work. I didn't think that I had to make an amendment that said Public Works, but let the Director decide how many white, how many black children are going to be in it, this has nothing to do with race this amendment. I don't care what the percentage is of kids that are coming in. I represent an area that is almost 30% African American and they are listed on here, some of the groups. Northview Heights Tenant Council for example getting 30 individuals.

I don't understand why that is an issue, it shouldn't be an issue. This is not an insulting amendment. I resent that fact, I am proud of this amendment and I will state it again. If I had the five votes this would be 100% in Public Works. It is something we should be doing. It is something that we can be proud of and I will tell you what, I resent the fact that we are saying this is negative when I myself had to dig ditches for a summer for one of the local utility companies and you know how that is when they make the younger people do most of the digging. But you know what, I was so glad just to get a paycheck, to make some money to put aside to pay for some of the schooling, what is wrong with that. It didn't hurt me.

The answer to the question, if my child when they are of age can work for the city, I will be more than happy to put

them in Public Works for the summer, for six weeks. And if their job was emptying a trash can in the ball parks on the North Side, so be it. I would be proud to do and I would tell them to take the job. They are not going to sit at home and do nothing or they are not going to go to some of these groups and I can tell and I am not going to be specific. I know some examples of this list too, you want to talk about let's make employment. This is not all job of professional work on this list either, and you know it as well as I do because you know some of the groups on here. They get a lot of kids here they can't even fill half of those positions.

I am just trying to make a common sense amendment, and I do apologize that no one has seen this written amendment which is maybe a total of 20 words, but everyone knows Dan Onorato's position on this. I have been saying this for six years here and I am having an opportunity to put it through and I thought I was be very reasonable in minimizing to 25% to try to get a compromise here and it appears we have it so I thank you Mr. President and -

#### THE CHAIR:

The amendments are on the floor, you have it in writing, I am voting in favor of them. I could not take another discussion of recommittal. Director Parees is feeding me pabulum on this issue and I hope you just vote for it and get on with the issue. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
	Mr. Ferlo
	(Pres't)

(Ms. McDonald and Mr. Udin voted no.)

#### THE CHAIR:

The two bills are amended.

Any other discussion, hopefully not, in any of the other bills on Finance and Budget?

#### MR. COHEN:

On another bill. There are several other bills in this stack for finance. One of them deals with paying parking tickets by credit card. I did want to make two comments about it. I think there has been some misleading information about it.

Currently a person who gets, this is Bill 2037, right now a person can pay by credit card under two scenarios. One is if they call City Court between 8:30 and 4:30 during regular during normal business hours they can pay by credit card without any surcharge. Secondly, they can circle a portion of the ticket and pay by credit card as long as they put their credit card under there.

What this bill is for is to allow for payment 24 hours a day, seven days a week including holidays. I think that actually we had some misleading information about that.

Secondly, Gerry Cavalovich (phonetic) when he came to Council to speak about this and I think did so well,



said that he believed there was nine months before we were going to order parking tickets again and on an issue that you and I raised, Councilman Ferlo, about the parking tickets themselves and how they are unreadable. He went and checked on it and he got back to me and found out that they are ordering them in three months, which means they have to really work now in terms of any revisions to the parking tickets.

So I have set up a meeting at 1:30 on Friday afternoon with Chief Magistrate Simmons and Gerry Cavalovich and anybody who wishes to attend please do so, it is in the large conference room to see if we can make these tickets more readable. Thank you very much.

**THE CHAIR:**

Now you confused me based on what you just said. I thought this bill was only now changing the fact that people who always had the ability to pay by credit card now will be able to do it physically over the telephone. That is what this bill is.

**MR. COHEN:**

After 4:30. After hours. What this allows them to do is to pay by telephone after hours. My understanding is between 8:30 and 4:30 they can do it by telephone with a live clerk or in person.

**THE CHAIR:**

Right. And if they don't have to necessarily be in the City of Pittsburgh. They can be holding the parking ticket, go back and forth and call your ticket in.

**MR. COHEN:**

Hopefully they won't be, Mr. President. And it is a \$3 surcharge.

**THE CHAIR:**

Okay. Any other discussion? All bills remaining in Finance and Budget, are now up for final vote. Roll call.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES**      **Nine**      **NOES**      **None**

Bills have received the legally required number of votes and are passed finally.

**MR. RICCIARDI PRESENTED:**

Bill No. 2112:

Report of the Committee on Public Works, Water and Environmental Services for June 18, 1997, transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2014:

Resolution providing for a Contract or Contracts, or the use of

existing Contracts for concrete sidewalk repair/replacement in the CDBG areas in the City of Pittsburgh and providing for the payment of the cost thereof, not to exceed Twelve Thousand (\$12,000.00) Dollars, chargeable to and payable from Account 551000, Fund 2610, Org. 400000, Sub-Class C1997, Project 2220061, Budget Year 1997, Public Sidewalk, Department of Public Works.

Which was read.

Also,

Bill No. 2015:

Resolution amending Resolution No. 315, effective May 14, 1996, entitled "Providing for a Contract or Contracts, or the use of existing Contracts for concrete pavement maintenance, rehabilitation and replacement for the payment thereof," by increasing the total allocation by Eighteen Thousand Six Hundred Ninety-Eight (\$18,698.00) Dollars from One Hundred Sixty-Five Thousand (\$165,000.00) Dollars to One Hundred Eighty-Three Thousand Six Hundred Ninety-Eight (\$183,698.00) Dollars.

Which was read.

Also,

Bill No. 2031:

Resolution Amending Section 1 of Resolution No. 894, approved November 15, 1996, effective November 25, 1996, entitled "Granting unto the Bruschetta's, 1831 East Carson Street, Pittsburgh Pennsylvania 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and

expense, a sidewalk café on a portion of the right-of-way of the sidewalk area on S. Nineteenth Street in the 17<sup>th</sup> Ward, 3<sup>rd</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2032:

Resolution Granting unto Allegheny County Sanitary Authority, 3300 Preble Avenue, Pittsburgh, Pennsylvania 15233-1092, their successors and assigns, an encroachment to construct, maintain and use at their own expense, various utilities, sewer lines and catch basins on Tracy Street and Preble Avenue in the 27<sup>th</sup> Ward, 1<sup>st</sup> Council District for the City of Pittsburgh.

Which was read.

Also,

Bill No. 2033:

Resolution Granting unto John Wargo, 1807 Penn Avenue, Pittsburgh, Pennsylvania 15222, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a sidewalk café at 1807 Penn Avenue in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2034:

Resolution Granting unto Aluminum Company of America, 201

Isabella Street, Pittsburgh, Pennsylvania 15212, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a recessed light fixture, security card reader, bollards and a concrete island on Isabella Street in the 22<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES**    **Eight**    **NOES**    **None**

Bills have received the legally required number of votes and have passed finally.

**THE CHAIR:**

I would like to expedite this agenda and ask that the Committees on Housing

Economic Development and Promotion; Lands Buildings and Procurement; and Engineering and Construction all be read together. I don't think there is going to be any debate or discussion. We have a Public Hearing with about 50 speakers at 2.

**MR. ONORATO PRESENTED:**

Bill No. 2113:

Report of the Committee on Planning, Zoning, and Land Use for June 18, 1997, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2029:

Resolution Renewing Resolution No. 1056 approved by City Council and effective on December 31, 1996, authorizing Riverview Terrace Housing Partnership, L.P. to convert the existing four-story structure located at 2829 Bedford Avenue into 36 dwelling units for the elderly and one unit for a resident manager, with parking to accommodate 11 automobiles, on property zoned "R4" Multiple-Family Residence District, 5<sup>th</sup> Ward.

Which was read.

**MS. MCDONALD PRESENTED:**

Bill No. 2114:

Report of the Committee on Housing, Economic Development and Promotion for June 18, 1997, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1873:

Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the Federal North Tax Incremental Financing District, and making certain findings. (Council District No. 6). (Presented by Ms. McDonald and Mr. Hertzberg).

Which was read.

Bill No. 1874:

Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the Federal North Tax Incremental Financing District. (Council District No. 6) (Presented by Ms. McDonald and Mr. Hertzberg.)

Which was read.

**MR. HERTZBERG PRESENTED:**

Bill No. 2115:

Report of the Committee on Lands, Buildings and Procurement for June 18, 1997, transmitting three resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2024:

Resolution providing for the City of Pittsburgh to participate in or purchase off contracts for goods, materials, services or equipment entered into by the School District of the City of Pittsburgh, pursuant to the Pennsylvania Intergovernmental Cooperation Law, Act 180 of 1972 as amended by Act 148 of 1986.

Which was read.

Also,

Bill No. 2061:

Resolution amending Resolution 454, effective June 23, 1995, entitled: "Providing for the leasing from Metropolitan Pittsburgh Housing Corporation, owner, for the purpose of establishing a Community Oriented Police mini station for a term of two (2) years, made effective February 1, 1995, at no cost to the City other than the use of telephones and telephone line maintenance" by changing the term of the lease to commence February 1, 1997, and renewable annually.

Which was read.

Also,

Bill No. 2062:

Resolution providing for the leasing of a space located at 1208 Mohler Street, Pittsburgh, PA 15208, in the 13<sup>th</sup> Ward, from the Housing Authority, City of Pittsburgh, owner, for the purpose of establishing a Community Oriented Police mini station, made effective July 1, 1997, and renewable annually, at no cost to the

City other than use of telephones and telephone line maintenance.

Which was read.

**MR. O'CONNOR PRESENTED:**

Bill No. 2116:

Report of the Committee on Engineering and Construction for June 18, 1997, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2028:

Resolution providing for an agreement or agreements, or use of existing agreements and/or a Contract or Contracts, or use of existing Contracts in connection with the Rehabilitation of Existing Play Areas; providing for the purchase of equipment and materials for said projects; and providing for the payment of the cost thereof, not to exceed \$1,500,000.00.

Which was read.

**THE CHAIR:**

You have heard the reading and title of the various committees, Planning, Zoning and Land Use; Housing, Economic Development and Promotion; Lands, Buildings and Procurement; Engineering and Construction, is there any discussion on the bill?

**MR. HERTZBERG:**

Regarding Bill No. 1873 which is for a Tax Incremental Financing Plan for the Federal North Tax Incremental Financing District, I received a letter recently from our esteemed Executive Director of the URA, Dr. Mulugetta Birru, in which he delivers some very good news. The Allegheny General Hospital has decided they need a larger research building and is going to go – the previous plan was 142,710 square feet, they actually need 192,630 feet.

The TIF plan is not being adopted, which means the total tax increment will be increasing. They estimate to \$924,765 and \$654,747 will be used to retire the bonds which lowers the percentage from that increment that is being used for the bonds from 90% to 71%. So a larger percentage as a result of the building be larger, the assessment be larger, a larger percentage now will go into the city treasury rather than the retired bonds.

**THE CHAIR:**

And into the school board.

**MR. HERTZBERG:**

School board and the county.

**MR. O'CONNOR:**

On the same bill I had that issue. I will be supporting Bill No. 1873, I think, as we all agree it's a major improvement for the North Side. And I'm certainly happy to support that and I didn't realize the good news that Councilman Hertzberg brought just made the deal even better.

The only thing I want for the record, I don't like the idea that these TIF's

have to be 20 years, and especially with the solid leases from Allegheny Hospital Allegheny General and even the parking garage which I think will help that whole area has a lease of 300 people already going in.

So, that is a solid thing and I believe 20 years is stretching it and hope in the future, and I know you've brought this up, that we re-look at some of these operations so they can be still we can make them work without such a long lease.

Also, on Section 4 the name of the TIF district, I appreciate the idea of Federal North Tax Increment Financing District so that it encompasses a district that we don't have to just start giving special deals to anyone that comes along, where you really seed that district.

On that point I would like to make sure and urge the Mayor and his administration to look at the East Liberty as a future TIF. If we can see that area, whether it be the Sears Building or whatever other things, especially with jobs; it's close to Oakland and there are hospitals very close, whether it be Shadyside Hospital or West Penn, St. Francis. I would like to see that area seeded next so we can all share in the growth of city.

#### THE CHAIR:

Thank you, Councilman.

Other discussion on any other bills? On any of the committees read? Hearing none, roll call vote on all the bills in their respective committees.

The ayes and noes were taken agreeably to law and were:

#### AYES:

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo, President

AYES    Eight        NOES    None

All of the bills in all of those committees having received the legally required number of votes have been approved finally.

#### THE CHAIR:

That concludes our Reports of Committees. Under Motions and Resolutions.

#### MOTIONS AND RESOLUTIONS

I want to remind our colleagues we have an important public hearing this afternoon regarding this Regional Renaissance Partnership Group and the imposition of a referendum question on the ballot regarding the proposal to raise the regional to raise the county sales tax on either a county or regional basis.

The referendum question itself is 75 words or less. The actual bill, Senate Bill No. 125, is 69 pages long, which I don't think the public is really aware of. And I happened to read this last night and I have some concerns and reservations about what's being created.

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In any event, it's an important public hearing. I hope we can all be in attendance. We have a lot of speakers, and if there are public if there are residents that would still like to participate in the public hearing this afternoon and/or speak, please come on down or call the City Clerk at 255-2138.

Any other matter to be brought before the body? If not, this legislative session stands adjourned.

ATTEST  
LINDA M. JOHNSONWASLER  
CITY CLERK

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
JOHN R. MASCIO .....Deputy City Clerk

Pittsburgh, PA  
Tuesday, July 1, 1997

#### PRESENT:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
	(Pres't)

#### ABSENT:

Mr. Ricciardi

#### The Chair:

Good morning everyone. We will get to our guests shortly. We welcome you into Council Chambers this morning.

At this time, would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We're very pleased that a student came down here today. He took a break from his summer vacation. His name is Darion Bennett. He's a student from the Friendship Academy in the Community of Friendship. He's going to be going into the second grade. He's six years old. He has accompanying him his two grandmothers, Lydia Ham and Blanch Bennett. He is, obviously, from Councilman Cohen's District. Darion is going to lead us in the pledge of allegiance.

#### Darion Bennett:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

#### The Chair:

Thank you Darion. I didn't mean to give you a jump start there. You did a great job. Make sure you wear your bike safety helmet this summer that's coming from all my colleagues on City Council.

We want to thank you for coming down here today. Our City Clerk has presented you also with a flag of our great Nation and a flag of our City.

At this time, we have a number of guests in the audience this morning. I'd like to call on Councilman O'Connor.



## PRESENTATIONS

### MR. O'CONNOR:

Will representatives from Maccabi Games please come up.

With us we have Howard Shingle who is the Director of the games, Debbie Shingles and Terry Tanner are Co-chairs of the games.

I'll read the Proclamation. We're honored to have you here. The Maccabi games will be in Pittsburgh next month for the third year.

### MR. O'CONNOR PRESENTS:

No. 2117 WHEREAS, The Jewish Community Center of Pittsburgh is hosting the Pittsburgh Jewish Community Center Maccabi Youth Games from August 17 through August 22; and,

WHEREAS, more than 800 athletes from 20 cities, a delegation from Karmiel, Israel, and 200 local athletes will be participating; and,

WHEREAS, the Maccabi Youth Games has become famous around the world for not only excellent play of the participants, but promoting sportsmanship and international friendship; and,

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh, would like to commend all of the athletes for their hard work hard work and dedication in their respective sports, and the organizers of the Maccabi Youth games for their devotion and dedication to youth sportsmanship; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare August 17-22, "Maccabi Youth Games" week in the City of Pittsburgh.

MR. ONORATO motioned to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

### Mr. O'Connor:

I'll let Howard tell us about all the fields we're using. I think we have to thank everyone in the City for participating and giving us all the locations. It's going to be a big week in Pittsburgh.

### Mr. Shingle:

First, I want to thank the Council and President Ferlo and Councilman O'Connor for the Proclamation.

This is our third game. We'll be hosting more than any other city since the games have started in '83. I think it's a tribute to the Jewish Community Center, but more so to the whole City of Pittsburgh. This games couldn't be done without over a 1,000 people visiting for a week, home hospitality, the use of all fields throughout the City, Schmeley Park, Mellon, Highland Park, Alderdice, Risenstein, a number of schools as well as the JCC. All that's coordinated through the City police services that you provide and we've just gotten a tremendous response and great help from the City.

We'd like to thank everyone. Opening ceremonies are August 17th at Carnegie Mellon University. You are all invited. It's going to be an exciting event. We look forward to seeing you there.

Thank you.

**Mr. Cohen:**

I want to just take a moment to congratulate the organizers of this event. It is just a fantastic event that brings in people from all over the world. I don't know if that's made clear. It's an international event coming here to Pittsburgh in a way that promotes sports and sportsmanship and sports womanship. It's really a wonderful, wonderful event.

I just congratulate you for doing all of the logistical organizing too, that's not easy, and for bringing so many people here to see our wonderful City. So, congratulations and I look forward to viewing some of the events myself.

Thank you.

**Mr. O'Connor:**

I'd like Kevin Carey and Terry Pryor to come up with their families.

This is a very special moment. I'll let the -- the Proclamation really tells the story. I just found out about it last week. Kevin has been in my district and I've known him for a long time. I had the pleasure of meeting Terry.

They are Housing Authority Police Officers who have done outstanding heroism and saved the lives of a family.

I'm very honored to have them down and to read this Proclamation on their behalf.

**MR. O'CONNOR PRESENTS:**

No. 2118 WHEREAS, on May 19, 1997 at approximately 9:50 in the evening, Police Officer Kevin Carey responded to a fire at 351 Burrows Street #913; and,

WHEREAS, Officer Carey was the first officer to arrive at the scene, which was engulfed in smoke, he heard screams from the third floor; and,

WHEREAS, Officer Carey, without regard for his own safety entered the structure and struggled through heavy smoke to find a toddler and two elderly residents trapped in the living room, he responded quickly, grabbing the toddler and the elderly grandmother and dragged them down the stairwell to safety; and,

WHEREAS, Officer Carey passed Police Officer Terry Pryor in the stairwell, who upon learning of other people still trapped in the building ran in to save the elderly grandfather, Officer Pryor reached and rescued the elderly man in time to save his life.

NOW THEREFORE, BE IT RESOLVED, that Pittsburgh City Council commends Officer Kevin Carey's and Officer Terry Pryor's selfless acts of heroism, and thanks these two officers who risked their lives so that others may live; and,

BE IT FURTHER RESOLVED, that the Pittsburgh City Council does hereby declare Tuesday, July 2, 1997 as

"Kevin Carey and Terry Pryor Day" in the City of Pittsburgh.

**MR. COHEN** motioned to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Again, they are Housing Authority Police Officers. I know there's 100 officers. I know we don't see and hear of the acts they do and the good work they do. This is an outstanding example of the officers we have all over the City in Housing, Police and Fire. I'm honored to have you here not as my representative, but representatives of the whole City.

Kevin do you want to come up and say a few words.

**Mr. Carey:**

I'd just like to thank the Pittsburgh City Council for this opportunity. Also, I'd like to thank the City of Pittsburgh itself for being a number one City. I've lived here for my entire life.

Also, I'd like to thank my parents, especially my father William Carey and my mother Carol Carey and my Chief of Police.

Thank you.

**Mr. O'Connor:**

I know Kevin wanted to be a police officer since grade school or high school.

He applied for different organizations and we're very proud to have him on.

Terry, do you want to come and receive yours. I know you weren't born in Pittsburgh, but we're certainly glad to have you here as a resident of Stanton Heights.

**Mr. Pryor:**

First and foremost, I'd like to thank God above for giving me the strength and courage to do my job everyday.

Secondly, I'd like to thank the Authority, the City of Pittsburgh Housing Authority and the gentleman that I work with each and everyday. They give us — or should I say it gives the people of our community the security that they need throughout these heavy and hot summer months.

Third, I like to thank Councilman O'Connor for acknowledging us on this day.

Thanks a lot.

**The Chair:**

Thank you and congratulations for your leadership. Thank you very much.

I want to ask the Clerk if Councilman Cusick or Councilwoman McDonald have any Proclamations to be read into the record.

**MR. CUSICK PRESENTS:**

No. 2119 WHEREAS, the City of Pittsburgh has been chosen as the 1997 national host city for the "Come Out and Play: Active Living /Healthy

Lifestyles" campaign sponsored by the National Recreation and Parks Association (NRPA) and BenGay; and,

WHEREAS this nation-wide promotion will feature Pittsburgh's recreation opportunities as models for others to follow in the pursuit of active, healthy lifestyles; and,

WHEREAS the Come Out and Play program encourages the 80 percent of the population who are not getting enough fitness activity in their daily lives to join in the fun of active recreation which will help to raise their energy levels, manage stress, control weight and prevent heart disease. Just Thirty minutes a day of moderate physical exercise can make a big difference in a person's health; and

WHEREAS Citiparks will host the NRPA and BenGay in kicking-off "Come Out and Play, Pittsburgh!" at the independence Day Celebration at Point State Park which will include special exhibition added to the children's area featuring soccer, gymnastics, volleyball, tennis, nature hiking and walking to the Fourth of July audience; and,

WHEREAS as part of their 50th anniversary, Citiparks has adopted the theme of "Active Living/Healthy Lifestyles" as a focus for hundreds of active recreation opportunities they offer.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends the effort of the Citiparks, National Recreation and Parks Association and BenGay for their work on the "Come Out and Play: Active Living /Healthy Lifestyles" campaign and

encourages all city residents to participate in "Come Out and Play, Pittsburgh!"

Also,

#### MS. MCDONALD PRESENTS:

No. 2120 WHEREAS, on Friday, June 27, through Sunday, June 29, 1997, Black Entertainment Television, BET, will host their Fourth Annual "Celebrity All-Star Weekend" in Pittsburgh, Pennsylvania; and

WHEREAS, BET will host celebrities from the music, sports, and movie industry for a weekend of entertainment for the entire family. Local Acts include Ty Mac, Safarace, Flow Band, Caribbean Vibes, House of Soul, and Rodney McCoy & Deep Pockets. Other local celebrities on hand will be Darieth Chisolm-WPXI, C.S. Keys-WPXI, Kathy Smith-KDKA, Shawn Yancy-WTAE, Lynn Hayes-Freeland-KDKA, Carolyn Clifford-FOX, Eddie Edwards, Jr.-UPN and the Homewood Orioles Softball Team; and

WHEREAS, BET will sponsor several events during this All-Star Weekend such as a Gala Awards Ceremony and Concert, the Soul Picnic, the Midnight Boat Ride, and a Jazz Brunch; and

WHEREAS, Black Entertainment Television owns and operates BET Cable Network. BET is the nation's first and only black-owned basic cable television network. The network was formed to meet the informational needs and interests of African-Americans.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends Black Entertainment Television, BET for bringing our community together for a weekend of entertainment for all residents to enjoy.

MR. COHEN motioned to adopt the resolutions.

MR. ONORATO seconded the motions.

Which motion prevailed.

**The Chair:**

That concludes our Read and Adopted. Moving onto Presentation of Papers.

**MR. CUSICK PRESENTED:**

No. 2121 Resolution authorizing the issuance of a warrant in favor of the Sheraton Hotel Station Square in an amount not to exceed \$9,992.97 Dollars for the Citiparks Senior Interests Program Volunteer Recognition Gala; and providing for the payment thereof.

No. 2122 Resolution providing for an Agreement or Agreements with the Pittsburgh Board of Public Education for the purpose of providing meals for Summer Food Service Program. The total cost shall not exceed \$800,000.00 and shall be chargeable to and payable from the Special Summer Food Service Program Trust, Index 270256, Account 525530, Fund 2855, Organization 521230, Subclass 600, Year 1997, in the Department of Parks and Recreation.

Which were read and referred to the Committee on Parks, Recreation and Youth Policy.

**MS. MCDONALD PRESENTED:**

No. 2123 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property in the 14th Ward of the City of Pittsburgh, being designated as Block 128-J, Lot 164; Block 128-N, Lots 17 and 54; Block 129-A Lot 29; and Block 129-N, Lot 40 (Nine Mile Run Project -- site assemblage).

No. 2124 Resolution approving execution of a Disposition Contract by and between URA and the Allegheny West Civic Council for the sale of Block 8-A Lot 31 in the 22nd Ward of the City of Pittsburgh, Residential Land Reserve Fund (Rehabilitation).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. ONORATO PRESENTED:**

No. 2125 Resolution Further amending Bill No. 2038 of 1997, which amended Resolution No. 598 of 1996 entitled "Providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; " by adding Section 13 to place JTPA summer youth employees in the Department of Public Works.-- (SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Planning, Zoning and Land Use.

**MR. ONORATO** moved to suspend Rule 8 to put it on tomorrow's agenda.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**MR. RICCIARDI PRESENTED:**

No. 2126 Resolution providing for an Agreement or Agreements with the Urban Redevelopment Authority to provide for a maintenance agreement (reflecting a General Stormwater Management Policy) in the 20th & 28th Wards, 2nd Council District of the City of Pittsburgh).

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. UDIN PRESENTED:**

No. 2127 Resolution providing for the issuance of a \$8,484.00 Warrant in favor of Jewel Joyce in settlement of claim for an incident in which claimant's sewer backed up on December 1, 1996, causing damage to claimant's basement.

No. 2128 Resolution providing for the issuance of a warrant in the sum of \$33,000.00 to the United States of America on behalf of the Administration of the United States Environmental Protection Agency in full and final settlement of action filed at CA95-1590 Pursuant to Section 107 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) seeking recovery of past and future funds expended by the United States in response to the release and threatened

release of hazardous substances from a landfill located in Elizabeth Township Pennsylvania.

No. 2129 Resolution providing that the City of Pittsburgh center into a professional service contract with Penn Credit Corporation for the purpose of providing software development to monitor the Parking Tax system. Costs not to exceed \$20,000.00 chargeable to and payable from Code Account 1063, Miscellaneous Services, Index Code 106302, Account 526100, Fund 1000, Organization 107300, Sub-Class 150, Budget Year 1997, Department of Finance.

No. 2130 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and the Budget.

**MR. FERLO PRESENTED:**

No. 2131 Ordinance supplementing the Pittsburgh Code, Title One, Administrative, Article VII: Procedures, by adding Chapter 171 - Department of Public Safety Training Exercises.

**THE CHAIR** moved to suspend Rule 8 by providing for consideration of the bill until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday. But, I hope giving the pepper spray incident that there won't be any training exercises and that we can discuss this. Rather than having tomorrow

up for discussion, I'll hold it until it would normally come up which is next week. I hope that the Administration respect that proviso. I just think we need a number of individuals at the table and I didn't want to give them too short of a notice for tomorrow.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

Also,

No. 2132 Resolution appointing Stephanie Cipriani to serve as a member of the Housing Authority of the City of Pittsburgh for a term to expire December 31, 1999.

No. 2133 Resolution appointing Dolores LaVerna Mozee to serve as a member of the Housing Authority of the City of Pittsburgh for a term to expire December 31, 1999.

No. 2134 Resolution appointing Laird Smith to serve as a member of the Public Auditorium Authority for a term to expire December 31, 2000.

No. 2135 Resolution Re-appointing Robert F. Provolt, Sr. to serve as a member of the City of Pittsburgh's Water and Sewer Authority for a term to expire December 31, 1999.

No. 2136 Resolution Re-appointing Paul Hennigan to serve as a member of the City of Pittsburgh's Water and Sewer Authority for a term to expire December 21, 2002.

No. 2137 Resolution Re-appointing Gerald Voros to serve as a member of the Pittsburgh Public Parking Authority for a term to expire April 31, 2002.

**The Chair:**

On the latter appointments, we need a motion to receive and file. These are unilateral appointments by the Mayor that do not need Council confirmation.

**MR. HERTZBERG** motioned to approve the appointments.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you.

That concludes our Presentation of Papers. Moving to Unfinished Business and Reports of Special Committees, are there any matters that should be brought before the Body?

#### **UNFINISHED BUSINESS**

**Mr. Hertzberg:**

Thank you Mr. President.

Under Unfinished Business, approximately a month ago, Councilman Ricciardi raised questions over the Wayfinders Sign system. Those are the signs that are found in certain parts of the City. They are color-coded and they direct visitors or just anyone that just needs a sign to certain destination.

After Councilman Ricciardi had questions about that, our City Clerk, Linda Johnson-Wasler, was kind enough to provide us with documentation of everything that had gone through Council on this system. What I found was that we had appropriated in our 1994 Capital Budget \$1.5 million dollars to do the

system. We then authorized a \$500,000.00 expenditure in March of '94 and in August of '94 another \$500,000.00 expenditure.

Also, there was discussion about the beneficiaries of some of the signs reimbursing us for cost of the signs, possibly for-profits at full cost and non-profits at half of the cost. We also enacted legislation that created a trust fund to receive those reimbursements.

Since reviewing this and since Councilman Ricciardi spoke up, nothing has happened to my knowledge. What I want to do right now is make a motion that we hold a post-agenda on the topic. I want to find out what has been spent officially, what hasn't been spent, I want to know what we can expect, south of the Monongahela and south of the Ohio River, relative to this Wayfinders System.

I think one of the worst parts is the fact that this doesn't appear to be going any further is what should be a bigger tourist destination than it is and that's the West End Overlook. If you're not a native of the West, you're never going to find this place.

**The Chair:**

West End/Elliot?

**Mr. Hertzberg:**

The West End/Elliot Overlook. Thank you Mr. President.

It's a very -- it's the best view of downtown. It's superior to the Grandview Avenue view although that's also a nice one. It's the one that the pictures are taken from. It's the best view there is. You'll

never find the thing unless you know the area. We do not have the signs there. I'd really like to know what the plans are for that.

I request that we invite, I'd be glad to hear from the rest of Council, but I think Public Works was the Department that was really leading the efforts on the Wayfinders Sign. Certainly Budget tracks the money. I know Engineering and Construction was also involved as they are with all traffic signs. Finally, General Services which did, at least, the bidding work or the proposal work on this also had some involvement.

So, I'm requesting a post-agenda. We can set the date later on.

**Mr. O'Connor:**

That's a good suggestion. Also, I would like to -- at the table if they would bring the amount of money. This was supposed to be public/private partnership. I know a lot of the universities, hospitals, a lot of the people who were identified were supposed to contribute. I'd like to see who did and who didn't and where we are with that expenditure.

I know Public Works, I think, came at the end and wanted to do it because they could do it a lot cheaper. That's why originally when we were bidding it out and our own Public Works people could do it for a lot less expensive.

**Mr. Onorato:**

I think the timing is appropriate. I'll work with Councilman Hertzberg too because I sort of have a little bit of knowledge from the beginning. I was on a sub-committee, everyone had called it the



ad-hoc committee, three years ago when they were meeting with a firm to do this and meeting with some of the foundations, the Burl Foundation, which has a lot of ties to the North Side and that's how I got involved. The Burl Foundation put up a lot of money. There's a lot of foundation money in this plan in addition to public money.

At the same time, I was working very closely with then former Mayoral Aid and staff and special council or whatever his title was, Mark Polic. I can tell you I remember seeing a lot of the contracts that were signed and executed that committed to the payment that we're referring to.

I would just ask Councilman Hertzberg if he could add to his list of people to be here the person who is now in charge and taking over since Mr. Polic has left and that is Darla Provata (Phonetic). She wants to be there and she has a lot of the information that you're requesting. I think she could probably shed a lot of light on where it stands and where it's going at this point.

**Mr. Hertzberg:**

Incidentally, Mr. Polic had several discussions with myself and some people from the Elliot community about the Wayfinders for the overlook. It just drifted away and hasn't happened.

**The Chair:**

Any other discussion?

If we could also have the Controller's Office present to discuss the trust fund and what expenditures and/or receipts if any current relative to Wayfinders Signs and trust funds. Also,

could we confide in the fly by night consultant if he hasn't left. If we could find him and bring him up to the table. I believe his name is Mr. Fern if I'm not mistaking. I'd like to know how much he made out selling this to other communities. Maybe we could get some money back from him.

If we could have the sign shop from the E&C Division also present. I'd like to discuss why we even need a consultant to do this.

Any other matter that should be brought to the table regarding this Wayfinders Program?

Thank you very much.

Any other matter under Unfinished Business or Reports of Special Committees?

If not, moving to Reports of Committees.

**The Chair:**

Thank you Councilman.

If we could read the first Bill involving this warrant for this settlement. I don't know that there's a necessary number of votes to re-approve it. My colleagues may want to recommit it.

## **REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2138:

Reports of Committee for Finance and the Budget for June 25, 1997 transmitting sundry resolutions to Council.

Which were read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1985:

Resolution providing for the issuance of a warrant in the sum of \$8,000.00 to Patrick Edward Dougherty C/O Robert Goldman, Esquire, Nigro & Malley, Two Gateway Center, Suite 1270, Pittsburgh, Pa 15222, in full and final settlement of an action filed At Ca 95-1913 and arising from a search of the residence of Patrick Dougherty and subsequent arrest on or about November 24, 1993.

Which was read.

**MR. ONORATO** motion to re-introduce the Bill only because last week the Bill had at least seven votes and we need six and a few of the members are gone. They're out of the office for scheduled conflicts, they couldn't make it. Until we have a full staffing, I'll recommit and make a request probably to hold for one week tomorrow. So motion to recommit.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

Also,

Bill No. 2042:

Resolution Amending and supplementing Resolution No. 1016, effective January 1, 1997, entitled, "Making Appropriations to pay the expenses of conducting the Public

Business of the City of Pittsburgh and for meeting the debt charges thereof for the Fiscal Year beginning January 1, 1997", by making certain corrections.

Which was read.

Also,

Bill No. 2043:

Resolution Amending and supplementing Resolution 1017, effective January 1, 1997, entitled, "Fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof, and setting minimum levels for designated positions", by making certain corrections.

Which was read.

Also,

Bill No. 2070:

Resolution providing for the issuance of a warrant in favor of the Pittsburgh Legal Journal, Mellon Bank Lock Box, Post Office Box 371124, Pittsburgh, PA 15259-0003, in the amount of \$20,875.40 for payment of legal advertising costs of properties included in the October 28, 1996 and March 14, 1997 City Treasurer's Sales to satisfy unpaid City and School District of Pittsburgh Real Estate Taxes and/or City of Pittsburgh Sewage Charges, chargeable to and payable from Code Account No. 1063, Miscellaneous Services, Department of Finance, Index Code 106302, Account 521300, Fund 1000, Organization 107500, Sub-Class 150, Budget Year 1997.

Which was read.

Also,

Bill No. 2071:

Resolution providing for the issuance of a warrant in the sum of \$10,000.00 to Denise L. Jones c/o Robert A. Lebovitz, Esquire, Lebovitz & Lebovitz, 2018 Monongahela Avenue, Pittsburgh, PA 15218, in full and final settlement of the actions filed at GD89-17618 and GD95-7595 for alleged property damage resulting from water main breaks on two separate occasions.

Which was read.

Also,

Bill No. 2072:

Resolution providing for the issuance of a \$1,000.00 warrant in favor of Alcosan in settlement of claim for an incident in which claimant's vehicle was struck by a City vehicle on February 26, 1997, charging same to Code Account No. 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 99920.

Which was read.

Also,

Bill No. 2073:

Resolution providing for the issuance of a \$1664.65 warrant in favor of Kathi M. Gullace in settlement of claim in which claimant's vehicle was hit by a P.W.S.A. Van on April 1, 1997, charging same to Code Account No. 46, Index Code No. 004606, Fund 1000, Sub 170, Account 582200, Org. 99920.

Which was read.

Also,

Bill No. 2074:

Resolution providing for the issuance of a \$1,983.74 warrant in favor of Jacqueline Rosenthal in settlement of claim for an incident in which construction being done and damaged being done to claimant's building, charging same to Code Account No. 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 99920.

Which was read.

Also,

Bill No. 2097:

Resolution transferring the amount of \$12,000.00 from Code Account 1001-2, Salaries & Wages, As Needed, City Council, Account 511000, Sub-Class 010, Organization 101120, to Code Account 1001-1, Miscellaneous Services, City Council, Account 525500, Organization 101100, both within Fund 1000 for budget year 1997. The purpose of the transfer is to pay for expenses relative to Council District 9.

Which was read.

**The Chair:**

You have heard the reading and titles of the Bills, is there any discussion?

I did want to clarify this although we'll discuss it Wednesday, the budget action includes not only the administrative

costs associated with the Fire Bureau and Collective Bargaining Agreement, but also the changes that were proposed in City Council and the Office of the City Controller.

Any other discussion?

**Mr. Cohen:**

Just on that issue, I was wondering if we had deferred to Kurt Salac in terms of reconciling the numbers. Have those been reconciled?

**Mr. Chair:**

Yes, they have.

**Mr. Cohen:**

Thank you very much.

**The Chair:**

Any other discussion?

Hearing none, the Bills are now ready for final action.

All in favor of the passage of the Bills will vote aye when your names are called. If you're opposed, vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

**AYES**    **Seven**    **NOES**    **None**

The Bills having received the legally required number of votes have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2139:

Reports of Committee for Planning, Zoning and Land Use for June 25, 1997 transmitting one ordinance to Council.

Which were read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2069:

Ordinance Amending Ordinance No. 42, recorded in Ordinance Book Volume 78, Page 62, on the 31st day of December 1995, by extending the time limit of the Oakland Interim Planning Overlay District an additional six (6) months as per Section 972.03 to the 31st day of December 1997.

Which was read.

**The Chair:**

You have heard the reading and title of the Bill, is there any discussion?

Hearing none, the Bill is now ready for final action.

All in favor of the passage of the Bill, will vote aye when your names are called. If you're opposed, vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	Mr. Ferlo

(Pres't)

**AYES      Seven      NOES      None**

The Bills having received the legally required number of votes have been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2140:

Report of Committee on Housing, Economic Development and Promotion for June 25, 1997 transmitting two resolutions to Council.

Which were read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1973:

Resolution providing for an Agreement/s or Contract/s, or use of existing Agreements or Contracts, with a consultant/s or vendor/s, for the purpose of conducting planning and management studies, and related activities in support of such studies including the purchase of data and data analysis equipment, at a cost not to exceed \$250,000.00.

Which was read.

Also,

Bill No. 2063:

Resolution amending Further Amending Resolution No 1018 effective January 1, 1997, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by increasing and decreasing various line items.

Which was read.

**The Chair:**

You have heard the reading and title of the Bills, is there any discussion?

Hearing none, the Bills are now ready for final action.

All in favor of the passage of the Bills will vote aye when your names are called. If you're opposed, vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

**AYES      Seven      NOES      None**

The Bills having received the legally required number of votes have been approved finally.

**MR. O'CONNOR PRESENTS:**

Bill No. 2141:

Reports of Committee for Engineering and Construction for June 25, 1997 transmitting sundry resolutions to Council.

Which were read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2064:

Resolution Amending Resolution #115, effective March 25, 1997 entitled, "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts and for the purchase of materials and equipment for Renovations and Maintenance of Various Public Buildings; and providing for the payment of the costs thereof," by increasing the total project allocation by \$125,000.00 from \$91,179.50 to \$216,179.50.

Which was read.

Also,

Bill No. 2065:

Resolution Further amending Resolution #289, effective April 10, 1991, as amended by Resolution #113, effective March 1, 1994, entitled "Providing for an Agreement or Agreements, or use of existing Agreements with a Consultant or Consultants for Design Services in connection with the Widening of Penelope Street; and providing for the payment of the costs thereof," by increasing the total

project allocation by \$20,000.00 from \$175,000.00 to \$195,000.00.

Which was read.

Also,

Bill No. 2066:

Resolution providing for a contract or contract, or use of existing contracts, to perform required bridge maintenance at various locations, at a cost not to exceed \$309,000.00 chargeable to and payable from the following:

Account 600000, Fund 5100, Org. 301000  
Sub-Class PGHPR, Project/Grant 2236000  
Budget Year 1996

Account 600000, Fund 5100, Org. 301000  
Sub-Class PGHPR, Project/Grant 2236000  
Budget Year 1997

\$309,000.00

Which was read.

Also,

Bill No. 2067:

Resolution further amending Resolution #1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by increasing a line item (Bridge Maintenance Program) by \$50,000.00 from \$50,000.00 to \$100,000.00.

Which was read.

Also,

Bill No. 2068:

Resolution further amending Resolution #1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Program; and approving the 1997 through 2002 Capital Improvement Program," by increasing a line item (Building Maintenance Program) by \$125,000.00 from \$125,000.00 to \$250,000.00.

Which was read.

**The Chair:**

You have heard the reading and titles of the Bills, is there any discussion?

Hearing none, the Bills are now ready for final action.

All in favor of the passage of the Bills will vote aye when your names are called. If you're opposed, vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)
<b>AYES</b>	<b>Seven</b>
<b>NOES</b>	<b>None</b>

The Bills having received the legally required number of votes have been approved finally.

**The Chair:**

That concludes our Reports of Committee. Under Motions and Resolutions, is there any matter to be brought before the Body?

### **MOTIONS AND RESOLUTIONS**

**Mr. Hertzberg:**

I wanted just a Happy Birthday to the Urban Redevelopment Authority of Pittsburgh. It's 50 years old today. I just wanted to wish the Chairman of the Board, Tom Cox, the Executive Director, Dr. Mulu Birru, our other board members, Dan Frankle, Clara Staples, and Dave Eperson a happy 50th and invite everyone to attend the proceedings today at the Doubletree. There are seminars all day and this evening and there's a reception and a dinner.

On a less of a good news note on a bad news note, I want to make some comments regarding the Airport Busway HOV, Walbash Tunnel or HOV whatever we want to call this project.

I'm becoming very disappointed and very disenchanted with the whole situation. Over the past, since this project has started, numerous City Council approvals have been required. Ninety percent of the project goes through the City of Pittsburgh with the exception of the bridge that goes to downtown. The balance is within City Council District No. 2.

We approved the bridge location. It was very controversial. We ended up approving it. They needed Council's

approval to locate the pier on the northern side of the Monongahela River and the Mon Parking Wharf. We had a lot of discussions. I'm sure Councilman O'Connor remembers about the loop design and about the whole idea. There was a lot of controversy there. I was never particularly happy with it, but I was told by PennDot and I was told by the Port Authority and I was told by our own Engineering and Construction Department that this was the best alternative. I was told that all alternatives had been examined and this was the best alternative.

Now, I know some of the things have changed for some of the landowners on the Station Square side, I understand that. But, we went through that process. We went through a number of resolutions where we allowed the Port Authority amicably to acquire our property. The Port Authority cannot condemn our property as another municipality. They don't have that right. But, we've worked with them and we cooperated with them and we allowed them to acquire our property when it was needed for part of that busway. There's been numerous rights of entry onto our property including our property on the northern slope of Mt. Washington, we were cooperative and we worked with them on that.

Then, this past May, they didn't seek cooperation from anybody when they suddenly decided that this whole busway concept, the whole plan was not going to be the plan that was implemented and they were going to cut it back drastically. They were going to take the busway from the shelf up above West Carson Street and utilize West Carson Street as part of it and that the bridge was totally out of the plan.

I called Port Authority immediately. We did set up a meeting quickly here. It was held May 14th, an informal meeting. PennDot was present, Port Authority was present, our Directors of Engineering and Construction and Planning were also there. I think they were even angrier than I was at the whole thing.

The Port Authority and PennDot said we're going to get together with a massive meeting one-day and work this out. That was supposed to occur early in June. I trusted our Directors that they would represent Council well at this meeting and try to resolve this. That hasn't happened at all. In fact, on Friday, the Port Authority took this new plan and presented it to the Federal Transit Administration for their approval to move ahead on it without in anyway resolving a number of problems with this City.

There's the issue of what can West Carson Street handle. Nobody has proven to me that street can do the job. Maybe it can, maybe it can't. I have no idea what the impact is going to do there. Nobody's presented any numbers to me, presented any plan other than what I read in the newspapers which is that they're going to allocated \$7 million dollars to this thing. Seven million dollars won't repair the ornamental railings and sidewalks that are in that stretch of the road, let alone do anything with a lane for a busway.

Our Engineering & Construction Department has extensively studied that part of the road. There are all kinds of problems with it. It's built on top of hundred year old retaining walls. I mean there are just so many potential problems



here. None of them, to my knowledge, have been resolved.

The blunt of the impact is going to be on the traffic. What volume of traffic this end of town can withstand. Right now, we have it pretty good. But, I'm not confident that that will be the case if we go with this new plan.

Our park at the Mon Wharf, that's going to be totally gone now because PennDot now has decided they don't want to lower the ramp. All the half of million or million dollars that we've already spent on design is now possibly wasted if we don't do the bridge where it was planned go.

The whole missing link concept, the road that was -- right now if you go over the Fort Duquesne Bridge and you want to head east to Monroeville on the Parkway, there's a missing link. You have to go through a City road and fight a few lights. That was supposed to be part of this deal together with the repair of the Fort Pitt Bridge and Tunnel. Now, PennDot has taken that off the plan as well. Everyone's saving money and what we're ending up with is nothing.

I don't see how the Port Authority can go ahead with this project without the cooperation of this City. Just for example, the Corliss Street Tunnel which they intend to fly over instead of repairing is a City tunnel. They're not going to go over that thing without our approval. They're going to have to come to us at some point. As far as I'm concerned, since the busway, as it's designed, is going to do absolutely nothing, at least it hasn't been proven to me with this new design, it's going to have any impact on anything. I don't see any

reason to approval anything further on it and we'll just jam it up. If the thing isn't going to work, there's no point on passing anymore legislation.

Until these problems are worked out, I will be urging all of Council that any piece of Legislation that comes before this Council relative to that Airport Busway, I will ask for a no vote or a table.

**The Chair:**

Any other discussion on this issue?

**Mr. O'Connor:**

I was curious, I read in the paper that the new Director want to have a new planning meeting strategy session. Also, where does this leave our Duquesne -- as you said, that's been in the works way before the bridge. That's been in planning for at least 10 years, the Fort Pitt Boulevard. Is that going to -- we approved that. In fact, we lost funding. I understand we're getting it back because of the delays. Are you suggesting or maybe you need a post-agenda with Engineering and Construction and the Mayor's Office on what direction we should be going? We can't just let all these plans -- as you said, the million dollars in just design. If this bridge never comes, we're sitting here with a broken down Parkway.

**Mr. Hertzberg:**

You're welcome to call for a post-agenda. I don't know where that's going to take us.

**Mr. O'Connor:**

Or if you want to just convey a meeting with Engineering. It doesn't have to be a -- we as a small group can work with the Mayor's Office. I don't think we can let all this just sit on hold for another couple of years while the argue about a bridge and tunnel.

**Mr. Hertzberg:**

There's so much involved here, too. There's four or five different issues with all these changes. As you mentioned, the problem with Fort Pitt Boulevard, the bridge itself and where it's going to be, West Carson Street and what's going on there, the missing link. I mean, there are just so many new problems raised by this solution than there are problems solved.

**Mr. O'Connor:**

Unless we solve the problem, we're losing the Federal Funding. If we lose the PennDot Funding, that can disappear for years again.

**Mr. Udin:**

My concern is that we are perhaps missing the whole boat. There's so much focus on the issue of the bridge and Fort Pitt Boulevard, etc. that we are missing, perhaps, an opportunity to establish a first class transportation link between the airport and downtown Pittsburgh. This busway, which has been called the Airport Busway, does not go to the airport. I think it's probably the only busway in the world that's called an airport busway that doesn't go to the airport.

We need a transportation system that rapidly carries passengers back and forth between the airport and downtown

Pittsburgh in order to fully realize the potential value of that international airport and to also facilitate the ability of workers to get from the City to the airport in a reasonable time limit and with reasonable cost.

I hope that when we reconsider the plans, Mr. Hertzberg, that we reconsider the whole project from a perspective of how do we get the best transportation system. It may not be a busway. It may be a light rail system that goes from the airport to downtown. But, we need -- that has to be the objective and not just this focus of the bridge issue and downtown Pittsburgh.

**The Chair:**

In light of the article, I think it was in the Post Gazette yesterday where the Planning Director is quoted as saying, "come heck or high water we're going to do this Mon Bridge and Park area", the Wharf. I really think that -- also, in light of Councilman Hertzberg's comments, I think it would be prudent if this Council to introduce resolutions repealing the various resolutions that we have approved over the last couple of years involving either the right-of-way or various expenditures in the Department of Engineering & Construction so as to put back on the table this whole discussion everything from the bridge to this Mon Wharf elimination of parking in the proposed Riverfront Park and all the other related issues that Councilman Hertzberg, Mr. Udin and others have talked about.

But, I think rather than yet another post-agenda meeting where it truly doesn't elevate the discussion, it's not on camera, people are still out of the loop, I think we

should do it during the regular Standing Committee Meeting Session. I would strongly suggest that that may be one way to go in terms of actually getting the principals and the parties, including the Port Authority and Commissioners, at the table and to regroup and discuss where we're at.

I have long criticized and it's certainly nothing new. I did not vote two years ago and every since then, I did not vote in favor of the so-called bridge airport, Wabash Bridge, or whatever you want to call it. I didn't vote for it because no matter what anybody said, it just did not make sense in terms of how the bridge and the ramp are being proposed for engineering and the fact that it was ending out by Market Street.

Where are all these people going in Market Street including all my good friends down in the First Side District, where they were during all these Council deliberations and public hearings, none of them were present. Somewhere they came out and all of a sudden got organized and objected to the Port Authority. Then there was a change of Commissioners and they politically got involved.

So, I don't think all the burden can go to the Port Authority because I think they got different messages from the governmental authorities regarding what the approvals, if any, were for this so-called Wabash Airport Bridge to Market Street.

Having said that and also recognizing Councilman Hertzberg's long standing battle on the canter lever to the West Carson Street corridor and all the expense and problems, I think we need to

bring the whole thing back to Council table for a consideration and re-review.

I, personally, I am not in favor now if the PennDot or the federal money is not available. If we're talking about just doing a stand alone park on the Fort Pitt Boulevard as well as the elimination of the 800 plus parking spaces, I am not in favor of that. We pretty much have a capital budget that for the next many years will ignore, to a large extent, a lot of capital needs that are glaring into various neighborhoods that represent. I'm talking about emergency wall situations and fence repairs to major infrastructure issues and demolition. You name it, every one of us as District Councilmembers can enumerate endless capital expenditures that we want to make.

We have a major commitment with the Cultural Trust for state dollars, federal dollars, foundation dollars, creating yet a whole new park, on the Fort Duquesne Boulevard. I'll be honest with you, I was willing to consider it because it was part of an overall funding stream, but as a stand alone park I think it's irresponsible for us as a matter of prioritization to be authorizing yet a new park when we a struggle to take care of the existing parks that we have and all the other infrastructure needs that we have.

So, I think we need to find the resolutions of which I can think of three right of the bat that were approved by Council in the last two years. I wish to stress that one of the directors of Planning view was that we were going to go ahead and do this Riverfront Park regardless. I don't know where the money's coming from and I don't know that it's the best

prioritization for our limited capital dollars that we have.

So, if my colleagues don't object, I'll find the resolutions, re-introduce them in repealing format, just to at least put it back at the Standing Committee Session. We'll invite E&C, Planning, the Port Authority, Senator Wagner and anybody else that needs to be at the table to discuss the issue. We're going nowhere fast and we have a tremendous failure to communicate in relation to what the local government is telling the Port Authority to do.

That's just one suggestion I would strongly advise us to take.

Any other discussion on this matter?

**The Chair:**

Any other discussion just on this so-called Mon Bridge?

**Mr. Udin:**

I would just speak to support the researching the Bills that have been produced because they were produced in a certain context and for a certain plan. If that plan is now scratched, we need to reconsider any Bills that we have approved with regard to that plan.

**The Chair:**

There are, at least, two right-of-ways and two E&C authorizations to encumber capital funds for the Riverfront Mon Park, whatever they've been calling it.

**Mr. Onorato:**

As support on the one issue and that is and that's what we have to find out, if it is true, that comment, we will build this park regardless of what happens, if the park is being built private money, we lost all the partnership money with the state and the federal government. I agree with you 100 percent. As far as I'm concerned, we do not have the luxury to build that park right now. There are too many problems. We all know what our budget looks like. I'm willing to scrap that park if it is just city money.

**The Chair:**

We can at least delay it.

**Mr. Onorato:**

We can delay it, but we don't have the luxury to do it. I would to do it, but I'm realistic. There's too many things out there that need to be done first before we create a new park on our own.

**The Chair:**

And, also a tunnel, yet another Squirrel Hill Tunnel, which is what the park does. But, that's another issue.

**Mr. Hertzberg:**

Briefly, I'd like to get the Solicitor's opinion on repealing that Legislation. There's something deep down inside of me that tells me it's probably going to be a useless act. Besides, I'd like the Solicitor's opinion on whether we can repeal a piece of Legislation that we enacted a couple of years ago.

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**The Chair:**

I think we can repeal anything we want as long as it doesn't conflict with any contractual agreements that came from the authorizing resolution. That will be part of the discussion for next week.

**Mr. Hertzberg:**

I just thought I'd ask the Solicitor to give us that opinion.

**Mr. Onorato:**

On that point, this probably was not part of the Legislation, but I think it goes to your point, Mr. President. That is, if this Council supported that resolution, based on the assumption that there was federal and state dollars which is not part of the Legislation, but we voted on it with that information, we can pull the record. I think that gives you a legal reason to bring it up and repeal only because we voted -- we can't say we vote vacuum, we voted as part of a plan. If that plan has been scraped, I think then it changes the whole scenario and it deserves reconsideration. It might not repeal, but it deserves reconsideration.

**The Chair:**

We will clarify that.

**Mr. Cusick:**

There are a number of transportation projects that are going on in the South and Pittsburgh too. I like your idea of just trying to get an idea or grip on what exactly is going on everywhere as far as the major capital projects are concerned. We have the Liberty Tubes project going

on that will coincide with the Wabash in some way. I'd like to hear from PennDot in that, too.

**The Chair:**

We're going to invite them to the table.

**Mr. Cusick:**

I mean, if you're going to repeal or bring up one Bill, I think we'll be probably better off if we would call PennDot, the Port Authority and Engineering & Construction altogether and have some sort of public hearing or post-agenda of some sort.

**The Chair:**

Any other discussion?

**Mr. O'Connor:**

Since it's in your district. I remember coming on Council and the biggest thing in the City was Maglev to the Airport and all the dog and pony shows that we had. I would just like to do it with you. If you want a follow-up letter to find out where that fell apart. I just remember it going away. Whether it be federal funding or whatever funding, these types of projects that we get so excited about and then they disappear. Whether it be political reasons or financial reasons, I think we should be held accountable or somebody should be held accountable just for our own knowledge what happened so we can correct it in the future.

**Mr. Cohen:**

I think the problem there is who's going to get the funding.

Also, at least from my perspective a realization that a pilot project of a magnetic limitation train that goes 8 to 10 miles is just not the best use for that kind of project. The best use would be for us to actually build Maglev trains here in the Pittsburgh and actually manufacture them. Hopefully, we'll get some movement towards it. I think the problem there was just the federal money didn't come in.

**Mr. O'Connor:**

That could have been part of it. All I hear about is St. Louis --

**The Chair:**

We can recess for a post-agenda now.

**Mr. O'Connor:**

Everybody has been saying for two years that you have to go to St. Louis so see what they do from the airport to the city. Then, they're all fighting each neighborhood who wants the next. And, we're talking about this 500 yards.

**Mr. Cohen:**

The Congressman from St. Louis is a minority leader with the House of Representatives.

**Mr. O'Connor:**

Maybe we have to be bring in some our leaders here and start --

**Mr. Udin:**

Just to make sure that no one is confused about the Maglev project that was proposed for the Hill District, if you think a 8 mile Maglev is a hair brain idea, how about a quarter mile Maglev that was planned from the Civic Arena to Grant Street. That is a separate proposal, Mr. President. I want to make sure that the viewers are clear that the Hill District community is united in their opposition and will be making a joint statement Thursday morning regarding their uniting opposition to the Maglev project and garage that was scheduled to be built or proposed to be built, not scheduled, proposed to be built, immediately adjacent to Crawford Square.

**The Chair:**

Rumors of any proposed Maglev has been greatly exaggerated to say the least.

Okay, we're going to close out on this and I'm sure we'll be revisiting this issue very shortly in Council.

To the Planning Director and the E&C Director, please don't spend anymore money in the next week because it's obvious that Council has major second thoughts on a lot of these previous authorizations.

**Ms. McDonald:**

You know what I'm going to be talking about, you know what's coming.

This is the second year in a row that I had just planned to take my kids away for a get away. The second year in a row that I come back to crap happening in my community. It's like they wait for me

to leave. This incident happened when I was away and just got back. Here we go again between the Wilbur incident which is very unfortunate and now we have this.

This reeks of *deja vu* from the Sheridan incident which many viewers, if you haven't forgotten, in the Sheridan area and maybe Councilman Hertzberg who represents that area, he can elaborate if need be. That there was tactical training with the SWAT Team in Sheridan where they tear gassed the wrong house. This made many residents unhappy. Well, here they are again, within a year, making the same error. I think there's something wrong with the supervision, there's something seriously wrong.

When I read in the paper that so far the disciplinary action that has taken place has been in the form of a letter or some written whatever it is in a person's personnel file, I do not accept that. This is what the community is outraged about. It's this little insignificant slapping of the wrist for an incident that happened that there should have been better discipline, stronger discipline to let them know this is the second year in the row you guys have fouled up. Somebody should be accountable and some head should roll somewhere. I don't see any heads rolling, nowhere. Instead we have a little letter.

This is a bigger incident than people think. They think, well some people got sprayed with pepper spray. This could have been a critical incident. What would have happened if somebody had a heart attack? What would have happened if somebody in a reaction to the pepper spray had an epileptic seizure or any kind of seizure? What would have

happened then? The City would have been criminally liable for such an incident.

Councilman Ferlo, I would like to say, again, I just got back. I have not had a chance to look at the Legislation or procedures. I'm still looking into that. There's still an investigation. I think that the Legislation, I could support that, but I don't know if it goes strong enough or far enough and I don't know if it's encompassing enough to effect what we would like to see which is better procedures in our police department.

My understanding is that there is federal law that mandates that any chemical agent that is used in a residential area, that there are things that you have to do before you use a chemical agent, such as Council approval and some type of legislative action. Also, there needs to be 30 days prior notice to all the residents either through newspaper, some type of media and the poles. None of this was done prior to them using pepper spray which is an oil based irritant. That's why it's so difficult to get rid of it and that's why it's so nasty, it's oil based. You really do have to wash it off. You can't just stand out in the rain and think it's going to go away. It won't go away that way.

The City must reimburse those people for whatever out-of-pocket expenses that they suffered from laundry to medical expenses. I think it would be a crime and a shame for this City to force -- we do this all the time. People have fought for years through attorneys or what have you to recoup maybe a \$1,000.00 or \$2,000.00 which is not right, just to get back money that is due them from the City's negligence. It could be an accident

or a garbage truck running into a car. It sometimes takes months to years to recoup money. I don't think that with this incident that any of these people need to hire or pay for an attorney to do this. If anything, the City needs to just directly reimburse those people for their negligence, for their goof, for their mistake or lack of common sense which doesn't surprise me.

This only reeks for the need for a Civilian Review Board guys. This is a perfect incident, this is a policy issue that affects the community. This is why we need an entity such as a Civilian Police Review Board to review cases such as this. This also reeks for the need of a Code of Conduit, a disciplinary Code of Conduit, which I sit on the committee. Councilman Cohen heads that committee as Chair of Public Safety. We haven't really had any meetings. I know it's not your fault. Something happened and we need to have that Code of Conduit. I don't know where this comes in. Why do we keep having problems with these guys here?

**Mr. Cohen:**

With all due respect, Councilwoman, I do not Chair that committee. I am a member as you are and I agree with you.

**Ms. McDonald:**

Who's in charge of that committee, Dan?

**Mr. Cohen:**

I believe it is the Commander McNeilly who chairs that committee.

**Ms. McDonald:**

Somebody better get on the stick here. Somebody has to come up with a Code of Conduit. A piece of paper in somebody's personnel file just isn't good enough, not now.

I also want to lastly say that there is a meeting on Thursday at 7:00 p.m., at Brushton United Methodist Church at 7801 Kelly Street in Homewood on the corner of Hale and Kelly. At that time, there will be administration from our police force as well as other elected officials who I'm going to invite a way to ensure that the people in the North Point Breeze area, even though this is being held in Homewood, that the North Point Breeze community is represented and is there because it is there area that was impacted upon.

At this meeting, we will get clarity as to what is procedure, what is law, what went wrong, what shouldn't have happened, what should have happened, and what could have been the alternative. Again, there are many questions that I have and many questions that the community have.

This whole opinion that, well that wouldn't have happened in Squirrel Hill, I agree. I agree with the people. It sure wouldn't have happened in some other community. Why does it always have to happen in a disadvantage community? A community that is not upper income or even upper middle income. Why in our community, why? Is it being taking advantage of? A lot of people say, oh, no, that couldn't be it, it just happened to be a vacant house, bologna. You know dog gone well why it happened where it



happened. Taking advantage again. You wonder why black people are outraged, you wonder why poor people are outraged, black and white. This is why.

Thank you.

**Mr. Cohen:**

Thank you, Mr. President.

I also was very upset about the incident that occurred last Thursday afternoon. Police officers who were charged with protecting citizens ending up harming citizens. I'm not saying that it was intentional or malicious, it was not. But, it was careless and it was thoughtless. The City should not be conducting any training operations using any type of ammunition which could potentially harm citizens and that's happened last Thursday.

Moreover, any training exercises that they do should not occur without notice to the neighbors. We have to ensure that it doesn't happen again. I agree with Councilwoman McDonald that the City should make reparations for any injuries that occurred. Those injuries including people who may not have been insured in terms of hospitalization or any other injuries. The City needs to step forward and make reparations for those injuries.

Councilman Ferlo, I know that you offered Legislation this morning. I look forward to discussing that Legislation with you. I would ask to pass a friendly amendment to that Legislation. That be that not only should the Chief of Police and also the Mayor and the Department Head of City Council be notified prior to this, but the neighbors needs to be notified.

The one incident that Councilwoman McDonald did not mention but we can add to her list is when the U.S. Army came to town a year ago and conducted a loud and widespread training operation without any notice to the neighbors when we had neighborhoods that thought that they were actually being attack. So, we have got to provide notice to the neighbors. I don't see how that would harm an operation and I don't see how that would do any disservice to the public safety of this City. What I would like to do is work with you Councilman Ferlo on that and Councilwoman McDonald on adding an amendment to make sure that the neighbors are notified.

First of all, no pepper spray or any other kind of ammunition should be ever be used in that kind of operation. But, had the neighbors known of an operation in advance, pepper spray or no pepper spray, they could have brought those kids in. They could have been able to avoid the widespread harm that occurred. So, we have got to take this up, I think, in a very formal way and talk about advance notice not only to City officials, but also to neighbors. We have to be able to respect our neighbors.

**Mr. Udin:**

I'm glad, Mr. President, that Councilman Cohen apparently has evidence that it was not deliberate. I look forward to seeing whatever it is that convinces you that it was not a conscious decision. I don't think that the community that was affected is yet certain. I think we really need a close examination of exactly how the decisions were made up the chain

to determine exactly how the decision to use live canisters were derived at.

So, as far as I'm concerned, the jury is still out on that issue. It clearly was not an accident. An accident is something that happens without your intention and control. On the one hand this is being called an accident, on the other hand, there are reports that indicate that there was first a decision not to use live canisters and, then, later a decision to use live canisters. That's not an accident, it's a blunder, but it's not an accident.

The policy examination questions, Mr. President, are much more important or at least just as important as the examination of the facts and the incident. It concerns me that the Commander of the SWAT Unit apparently was not knowledgeable and a part of the decision making chain. It concerns me that the Chief of Police was not a part of the decision making chain. It concerns me that our Mayor was not part of the decision making chain. Those things concern me. That this kind of operation can be going on without the upper levels of supervision being in charge of it.

I agree with and support Councilwoman McDonald. These are the kinds of things that give the public the belief that there are out of control elements within the department. That is the reason and large part why the citizens, black and white, so overwhelmingly supported the Citizen's Police Review Board.

I might add, Mr. President, that for that reason, I'm concerned to hear some elements within the Administration now starting to make efforts to neuter, to neuter the Citizen Police Review Board rather

than have a strong and independent and viable review process, there are elements now who are trying to water down what the voters voted for.

I realize that as you said, Mr. President, that you would imagine that there would be no training operation before next week when we take this issue up. However, there was a suggestion that I read in today's newspaper that I would advise be delayed until further investigation can determine whether or not it would be a wise idea. I think it would be a bad idea, another bad idea, for somebody to go into Homewood with hotdogs and soda pop and music and have a picnic as a way of resolving this issue. That is a bad idea. I think it will be received as an absolute insult. Although it's intentions might be good, it would be an insult. People want policy change, they want effectiveness from their City Government, they do not want hot dogs and soda pop and rap music.

**Mr. Onorato:**

I have to agree with almost everything that was said today. The one piece that I want to add to it -- I'm glad to hear that there's a meeting on Thursday night in the community to address the concerns. I think there are so many questions that are unanswered and that the citizens of this City have so many questions both from that neighborhood and outside that neighborhood that has seen us across the T.V. and the papers. I didn't hear about when is Council going to be briefed? This is such a critical point I don't know if we do this in an executive session or we do this in a post-agenda, I really don't care. I would ask you, Mr. President, to schedule a briefing with all

nine of us because we deserve to hear what happened here.

This isn't about a move to micromanage the police department, this is a question and answer session on the specific incident that happened. It deserves that. I think the residents deserve to know that, at least, we're being briefed, their representatives to the City Legislative Branch, of what happened here.

I heard a lot of things today that shocked me of who know and who didn't know. I'd like to hear it right from the officials of what was the procedures, what went on and where did the line of communication break down. So, somewhere along the line, I would hope there's a briefing for the nine of us to, at least, hear from the Administration what exactly happened.

The one simple question that boggles my mind and I still have no answer to it is why did we actually use the pepper spray? They say it was an experimented tested ground. Why was it actually used? We don't do target shooting in a neighborhood just because you want to try out the new rifles, I don't understand why this was used in the neighborhood as opposed to a test ground. I'd like to have that question answered because I haven't hear it yet. I heard it was used and it was an accident. But, I don't understand why anything that dangerous, just on a testing basis, would be used in any neighborhood as opposed to the testing grounds that we have.

Like I said, this might be sensitive and there might be public safety concerns involved and there might be legal issues concerned. If it's in an executive session,

that's fine with me as long as the nine of us are there to be able to ask the questions and hear an explanation. If you could get back to us.

#### **The Chair:**

I'd like to ask procedurally. I would trying to be sensitive to people's schedule on short notice and I was not able to speak really with Councilwoman McDonald.

I submitted an Ordinance today which I think goes a long way in redressing, at least, an initial grievance and that is the chain of command and procedures from Council's and the communities lack of involvement. Implicit in my Ordinance is the fact that there would be proper notification. I can't imagine that once this Ordinance, if it were approved, that Council would actually have to approve by resolution that the fact that there wouldn't be community notification, public hearings, you name it. But, we can clarify that. This is not meant in anyway to be written in concrete. Any suggestions can strengthen it.

But, I would like to suggest, respectfully if there's no opposition, that we set the waiver of Rule 8 on this Ordinance and bring it up tomorrow just so we can begin to have the players at the table to begin to discuss a lot of the unanswered questions that were outlined today.

If there's on objection, I'd like to respectfully re-ask of my waiver of Rule 8 on the Ordinance.

#### **Mr. Cohen:**

Let's make sure that the appropriate personnel are there including the Head of the SWAT Team, Chief McNeilly, etceteras.

#### The Chair:

Yes, and the Solicitor.

On the issue itself, I'm not even going to talk about the issue because it is so clear and so blatant the negligence of the City of Pittsburgh Police Bureau in relation to this so-called incident as we're calling it. I can imagine all the Edger Snyders of the world out there waiting to go gangbusters after us. So, it is difficult to both feel a fiduciary sense as a Councilmember wanting to protect the City Treasury as opposed to opening up a bank book and telling everyone to come and get it because that's basically what this incident involves.

I think this is so grievance that we need to talk about this openly and publicly. I think we need to openly and publicly discuss all the bill of particulars tomorrow at the table and not in any closed door session or any other executive session. If there's anytime the sun needs to shine in, it's to review the incident and all the bill of particulars involving this situation.

This act was not only insensitive and callous. It was totally counter-productive to everything we have been trying to do. We have spent millions of dollars in the City supporting not only the addition of Community Oriented Policing Officers, but the whole philosophy I thought we were all embarking on in cooperation with the communities was the different policing philosophies known or maybe even referred to as Community

Oriented Policing. Well, how you can even have -- this is so counter-productive to everything that we have been trying to do in terms of Community Oriented Policing, I don't know what could be more glaring and counter-productive other than outright declaring a war on our citizens which is practically what this did.

I was resentful a year ago as Councilman Cohen pointed out that Army incident. We got through on the skin of our teeth on that incident. I don't know how many colleagues, but the next City that that Army helicopter and squadron went, that Army intelligence group, to there was actually a tragedy and several individuals died as a result of a crash of that helicopter. Now that could have happened in Lawrenceville or the Strip District in relation to the incident that took place in the City. Yet, none of us even knew about it. Setting aside the issue about why we need to be concerned about preparation for civilian riots, setting that issue aside, in terms of the role of the Army Intelligence Department in the City of Pittsburgh, I have to think that one of the problems on a practical level is that some of these officers just have nothing better to do with their time. That they have to go out and engage in these little military exercises on our citizens. It doesn't make any sense to me.

I'm not making light of the important job that they have, the boom squad work, you name it, it's a difficult job. Maybe when they have some down time, they can go out in my district and work with me on getting rid of abandoned cars since I can't tow a car unless I have an officer there. Maybe we can do a lot of other things. If these officers have a hard time filling their day, I'm sure any number

of us can think of something for them to do rather than boom out our residents.

This thing where the Chief, in all due respect, he gets on the media and says, we dealt with this and a couple of people are going to get letters in their personnel file. I mean, there's so many issues here involving everything from how much we're going to have to pay out in settlements and how we're going to conduct ourselves.

Councilman Udin's point is well taken, take those hot dogs and go home. To engage in this incident and go back out in the community and try to do some crowd control or PR control by passing out some hot dogs, get real guys, come on. This incident was not only racist, it was classes, if I could use that phrase.

The fact of the matter is, and it could have been Lawrenceville that I represent, it could have been a working class neighborhood that was white, in this case it was a black community primarily and it was racist. I have to think that those police wouldn't have even given it a second thought if they were going to go into Morningside which a neighborhood that I represent, because they wouldn't have gone into Morningside. And, they wouldn't have gone into a neighborhood that was perceived as higher income or part of the academic class or the intelligency in the City. They wouldn't have gone into those neighborhoods. We should respond to that because it's insensitive, it's wrong, it's callus, it's counter-productive and a lot of people need to answer for the incident.

This Ordinance that I'm proposing is not only clearly would create a situation

by Council resolution, they cannot engage in these training demonstrations and non-emergency exercises, but even of the training exercises that would take place within governmental buildings like the police and fire academy, I'm saying that the chief of this respective bureau must give the approval as well as the Mayor and/or his or her designee.

Because this incident was not only the glaring situation that the community and council resolution was not involved but, more importantly, even within this great bureaucracy known as the public safety department, the key players were not involved in giving the approval.

I don't know if the Mayor and the chief crawled out of bed one morning and woke up and heard of the incident on the radio. That's probably what happened. That's a pretty sad commensary on the chain of command within the City Administration. It has to change. Just an, oh, by the way and a couple of officers -- I know some of these officers and they're good people and I know they have a tough job. But, it is just very glaring, the situation. It's very alarming. Setting aside all I said about what it's characteristic was, there are a lot of unanswered questions and a lot of major policy changes that have to take place.

I would hope that tomorrow we could have all the players here. The Mayor is certainly welcome also to attend the Council meeting to discuss this issue because I think there needs to be an apologize to the community and it shouldn't just come from the Chief of Police and this Council. A high level individuals such as the Mayor himself needs to make a statement to this Council

on those cameras to the public regarding this incident. So, I look forward to discussing this Ordinance.

Obviously, implicit in section one is notification to Council, but anything that we can do to strengthen this I'm certainly receptive. There's no pride of authorship on this. I was trying to just react quickly to what I thought was the passing of the buck in relation to what happened over the last week in a half.

Any other matter or discussion on this issue?

**Mr. O'Connor:**

I think enough has been said. There's been a total breakdown of leadership and management. But, I don't even think we should wait 24 hours. At least, I think Councilwoman McDonald should be addressed by the Administration and be kept abreast of what's going on. You can't bring nine of us together right away and have all the answers, but I think because she is responsible for that neighborhood and answer for those people there, she deserves to be firsthand. What are the reasons, the excuses, or whatever the troubling, at least she has to be abreast of what's going on. I would suggest that it happens today and not wait until tomorrow.

**The Chair:**

Thank you.

**Ms. McDonald:**

Thank you Councilman O'Connor. I appreciate this and I look forward to discussing this in more detail with the Administration. I can only get piecemeal

as of yesterday. But, I'm telling you I swear that they planned this because they knew I was going to take the kids somewhere. They do it every year. In fact, I'm not going to take the kids anywhere anymore because I know it's going to impact on my community. I'll sacrifice that.

But, one thing about the Ordinance, the Supplement to the Ordinance Councilman Ferlo, tomorrow when we discuss this, what I would like to have is a clear understanding of how they decide when to use a residential area and why they have to use a residential area for any type of tactical training, some kind of paramilitary operations. Why does it have to be in a residential area.

Councilman Onorato, what I was told is that not only do we have the Washington Boulevard Training Academy which has the fire house, it mimics a real apartment building house, it's there, you have the North Park, the Allegheny County Training Academy and you have a gun range. I'm sure there are other avenues to train. So, I think a bigger question is why the residential area, why? Especially when they're going to use chemical agents. Again, my question is what next, real bullets? I mean, what's next? So, there's nothing wrong with real life training, no problem. It's just where do you do it. So, I'd like know do we have a policy.

It goes back to what Councilman Cohen has said and what I had brought up before about accreditation, about tightening up procedures, disciplinary and code of conduct. We need to tighten up a lot of procedure in the Pittsburgh public police force. All police officers and the

administration needs to be very clear as to policy and procedures. There are still too many holes to be filled, too many holes. So, we have to make sure that the Administration tightens this up.

Tomorrow I look forward to, why even use a residential area when there's real kids around and real residents? If you're trying to mimic, you an abandoned house somewhere in ten buck two, but don't come into a real area where there's real people that can get hurt.

#### **The Chair:**

Can we ask the Clerk to please notify the Chief to be here and all the other personnel within the police bureau, the Law Department, the Mayor's Office. Also, can we have a copy of any printed or documented protocols that exist? I would ask Chairman Cohen to follow-up on this. What are the existing protocols, if any? Are there any written protocols involving the squad and the incident? Anything in writing relative to the procedures and anything leading up to this event. The more information that we have tomorrow, the better. I hope the Law Department is not going to take the fifth tomorrow at the meeting.

Any other discussion?

I wanted to ask if Councilman Onorato would embellish on this point. I think there's a lot of confusion in the community regarding the JTPA Summer Youth Jobs Program. There's been a number of articles in the paper. In voting for this -- I know a couple of my friends called me from my Council District and they go the distinct impression that Council actually cut or eliminated 25

percent of the summer youth job program. Nothing could be further from the truth. There is no action taken from this Council, nor would there be, to further reduce or limit any budgeted positions from summer youth. It has been this Council through at least the three mayors that I've been that has consistently fought to increase the pot of money for the summer youth employment.

There was widespread support of this Council for a resolution offered by Mr. Onorato regarding the nature of some percentage of the work of some of these summer youths. In no way in voting for that, should there have been any reduction or elimination or forgiving or non-complying with any sub-contracting agreement that the Administration is entering into whether it's the Bloomfield/Garfield Corporation who may be listening now or any of the other sub-contracting groups. Nothing in that resolution that I believe was Mr. Onorato's intent or my support, as at least one colleague, in anyway was attempting to undermine or in anyway diffuse or con man the stipulated agreements that were being entered into between the Administration through the JTPA and these various sub-contracting agencies. In fact, that is the case.

I'm very upset that a letter went out from John --

**Mr. Onorato:**

Ronald Pannier.

#### **The Chair:**

Mr. Pannier, excuse me. Mr. Pannier to these groups. I think the letter was confusing, it was not clear, it was not emphatic, and it was not accurate. I'm

resentful of that. I would think that the director, again going back to the chain of command, the director should be the one communicating directly to these groups.

But, it caused a lot of confusion and unnecessary anger. In fact, I know maybe people will still come down here tomorrow and I welcome them to come here and protect all they want as long as they protest the correct thing. They should not be protesting tomorrow in the interruption of any service agreements that we have.

Maybe Councilman Onorato can just further clarify.

**Mr. Onorato:**

I find it fascinating that within 24 hours of our vote, there was not just a letter drafted, but it was faxed to every single community group that is participating in this program. I haven't seen this bureaucracy move that fast since I've been here for six years. It's interesting, it was very well orchestrated, this letter. I don't blame the community groups for calling. Let me just read you two lines out of this letter. I have a copy of it in front of me here.

It says, "It is not my intention to alarm you, however, I want to share with you what we perceive as the possible implications. These could include cutting the time you've worked for your project and/or the number of youths assigned to your project. The funds allocated for your project may" I stress the word "may" "have to be reduced by up to 33 percent as the result of the final wording of the Legislation which authorizes this program."

Well, first of all, they sent this out before they even looked at what exactly had been contracted and what hasn't. Working with Mr. Lasky, I can tell you as of today or yesterday out of all the groups that are participating in this program, I'll give you his numbers, about 65 percent, have contracts ready to go out and kids are ready to work starting Monday of this week. Thirty-five percent are still putting the program together over the next few weeks.

There was plenty of room to deal with our amendment with a 35 percent side of it, that was one point. The other point and I have a written memo that came to my office today which I will share with everyone explaining detailed description of all these groups that are participating and the number of youths that are doing public work activity in coordination with the public work division where they're working.

This is the first I ever heard of this. If you look at the total number of children or youth that are doing public works projects out of the divisions, the number is already at 27 percent. If we would have had this up front, it would have helped

Now the debate that we have to deal with as a Body is that the only technical difference is either these kids are not assigned to public works, they're being supervised by these groups, but there is a coordination with Public Works which I think is very good. I think it achieves the goal that we wanted to achieve.

I introduced a Bill today and we waived Rule 8 just so everyone knows what that was. There were three Bills that



need to be amended. We amended two of them. They were for, basically, next years money. There's a third bill that was passed that was for this year's money. I amended the Bill just so all three bills look alike. It's the same discussion, the same debate and nothing is changing. So, it will be up tomorrow. That will give an opportunity for personnel to come up to explain this memo. I think the nine of can decide how we want to move forward.

What we passed was just a majority of this Body saying that we'd like to see 25 percent of the summer youth doing public work activity and doing something that can help with the maintenance because we talk about maintenance problems all throughout the City.

The problem that I have with this whole debate is not how people voting, not by some of the criticisms on the issue, but with the Administration's letter that went out. This was inappropriate. Anytime — you would think that they would learn by now that anytime a department tries to influence us by putting pressure on from community groups after we vote, it usually back fires. I dug my heels in when I got the calls because of this letter. I was so angry that this went out to try to use that political avenue. I talked with a few of my colleagues and there reaction was the same way.

So, if anyone thought this was going to soften our stand, it has just the opposite effect where you get so irritated. That's not the way to lobby. The Administration and the Department of Personnel should not be trying to undercut what the majority of Council already voted on. I thought it was unfortunate.

The letter, by using the words, "may, we perceive, I don't want to alarm you," it was pretty misleading. I think it was very unfortunate that that went out. But, the bottom line is that it appears that we got some answers and we're finding out some information that never came out in the six years that I've been here that are actually positive. If that's the bottom line and that's what actually comes out of this, it was well worth the debate and well worth the argument.

I think tomorrow we can finalize what this Council wants to do and what the Administration is doing. It appears that we're a lot closing than what we thought we were just six days ago.

#### **The Chair:**

Just as a procedural matter. I know Councilman Udin wants to discuss this issue. But, before we lose other colleagues that have other meetings, I would like to ask reconsideration and a recommittal of that Bill 1985 on that lawsuit. Just ask that we vote up or down the Bill now because there's six people here to vote in the affirmative.

This is on that settlement the Dougherty case. Six of you voted in the affirmative and Councilman Udin and I voted no. Rather than put another bill on the agenda tomorrow and languish this bill away for another week, could we ask for a motion? What's the pleasure of the Body?

Is there a motion to reconsider?

#### **Mr. Hertzberg:**

Motion to reconsider.

**The Chair:**

All in favor? Aye.

Okay, Bill 1985 is back up for a consideration. We'll dispense with a roll call vote. We need six votes to pass this.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Ms. McDonald
Mr. Cusick	Mr. O'Connor
Mr. Hertzberg	Mr. Onorato

**NOES:**

Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES      Six      NOES      Two**

The Bill having received the legally required number of votes that being six in the affirmative to pay this award, the Bill has been approved finally.

**The Chair:**

I apologize for the interruption.

Going back on JTPA, I did want to state that I asked the Administration to send a letter to Council and to these groups explicitly and emphatically stating that there's no disruption whatsoever in their respective contracts. I believe colleagues received a copy of that this morning. I faxed it also out to the groups that I represent. I would ask that you all fax it out to your respective groups.

**Mr. Udin:**

Thank you, Mr. President.

I hope that we can raise a higher standard than just tradition. I think that the problem with the kind of settings that the summer job programs has gotten for our youths doesn't reach high enough. Not only, I think, it is backwards to make sure or to try to glorify that a certain percentage of these jobs need to be in public works kind of activity.

I'd like to share a copy of a newspaper article that talks about some of the kinds of summer work that is available to certain suburban and private school settings, such as the Upper St. Clair High School and the Fox Chapel area High School and Winston-Thurston High School. Why should the youth from the public schools have access to any less meaningful summer job opportunities than kids from the suburban and private schools?

It seems to me that we should be -- I'm not even satisfied, Mr. President, with the level of exposure our summer job students have to the community based programs that exist on the current list. The ceiling needs to be raised with regard to what future career and employment opportunities will be available to our youth not lowered so that we can see how many of them we can either assign directly to the department of Public Works or see if we can get these community based organizations that currently have the contract to assign them to public works activity. When there is opportunity for advanced training, we need to see to it that those kids get those opportunities. If there is no choice, then there's nothing wrong

with doing public work activities or any other kind of honest legal work.

If there are opportunities and certainly it seems to me that the Personnel Department can look throughout the City of Pittsburgh with all of the new financing and the biotechnology and the robotics and the 21st Century kind of industry that is developing in Pittsburgh, we can find the same kind of learning opportunities for our youth as someone has managed to find for these private and suburban schools.

We have to raise the ceiling, Mr. President and not lower the floor.

**The Chair:**

I want to say one thing. I don't find any conflict in what I support and what you just articulated and what Mr. Onorato and others have suggested regarding a targeted effort to embellish and get a handle on additional work that we need. I hope that they're not being posed as in incompetent. My report back to you is why is it that we're only talking about the small part of the tie being the federal dollar?

We have 1,000 employers in the City of Pittsburgh, minimal. Why isn't there requirement that those employers regardless of any federal funding take on one youth for two months? Is that killing a Westinghouse to take on a few kids for two months, networking with the Bloomfield/Garfield Cooperation or any other community based group or any other quantitative or qualitative program that you're outlining in terms of academic performance, the nature of the work site being one of more technical nature or more of a higher grade of a higher experience.

But, I would say back to you, it's not to you but it's to myself also in terms of the challenge, but I think the Mayor has to be the player here. We're helping out all these companies. We just gave 10 or 20 of them, directly or indirectly, tax increment financing. What's so bad about an Alcoa taking on 10 people from the Hill District or Garfield or Hazelwood and giving them a quality mentoring position in that corporate setting, whether it be in computers or in this case biotechnology all the things that Councilwoman McDonald's aware of in terms of her academic background and work experience.

Again, I don't see these things as conflict and I agree totally what you said. We should continually make an effort to update the program. But, I think part of the problem is that we're being hand strung into saying that we can only have that program with the constraints of the federal dollars. We should be confronting these corporations to do some community service obligation in terms of working with our young people here in the City of Pittsburgh.

We have a Post-Agenda Meeting with Councilman Udin, Mr. Cohen and others regarding the library funding situation.

**Mr. Onorato:**

I want to agree with everything you said Mr. Council President Ferlo, but I also agree with what Councilman Udin is saying. I think we beat ourselves up too much and we are doing that. At 75 percent of these kids, almost 800 to 900 of them are going to be doing these types of

activities even under our proposal the way it exist. According to this article, they're talking about six individuals out there in the suburbs and private school doing this, we're putting over 800 kids in these types of positions. I'm all in support of that.

But, I think, at least, from my perspective and what we did last and why I voted this way and why I responded to that legislation is that it was, at least, a balance of knowing that why we everything out there, do we create some public work maintenance type project.

There is an opportunity to provide some summer youth with some jobs to do, which are called manual labor or whatever word you want to use. But, if you read some of the issues that they talk about here, it's learning to work and it's also learning how to do the work ethic too. You can do it in both types of jobs.

I think we have to realize that you're talking 1,200 kids. There's enough room there to provide all different types of jobs. The vast majority of these children are going into these types of jobs that Councilman Udin is talking about even in our program. I don't think that 25 percent or 200 or 70 or 50 or whatever the number might be to doing some public works for a nice paying job for the summer is anything wrong with that either. I think we can achieve our goal and not retreat on these types of initiatives. But, I don't think either job hurts a child. I think that they're both very good. When you're reaching out to 1,200, we have a good balance and every child that's participating in this program will learn a lot about working, about getting a paycheck, about having the responsibility of being somewhere on time and it is positive.

I think you're probably going to end up with the speakers tomorrow, you're going to see that a lot of students are doing these types of activities because that's what they're coming down to talk about.

#### **The Chair:**

Also, we have a lot of young people in the City that exceed, that want an opportunity for summer experience, work wise, but exceed their JTPA guidelines. So, are those young people any less important in terms of providing opportunities.

#### **Ms. McDonald:**

I wanted to state for the record that when we voted on this amendment, it was put forth that there would be a motion to hold it for a day so we can discuss it on Wednesday. What kind of festered and what has blown up in our face is exactly what I was talking about last week. We need to get clarity on where the kids are going to be allocated and what jobs do they have. What we're seeing now is what would have evidenced or what would have surfaced had there been discussion for one day.

Now, Councilman Onorato, in all due respect, you didn't comment on that motion. But, unfortunately, this Council Body saw fit to just go ahead and vote on it on Tuesday. I would just like to ask Council that next time someone puts a motion on the table that maybe we need a little more clarity and maybe we need to talk to the Administration to find out what is being done. Maybe the 25 percent is low point as we know now. They're already being allocated to public works.

We can just kind of hold on and not do the political shuffle, but do the thing that's actually going to be right for the kids.

I agree with Councilman Udin, we're in sink on this issue. Many Councilpeople may not fully understand where we're coming from on this in terms of the whole race issue where the socioeconomic status of an individuals as we discuss this 25 percent in public works. But, that's okay, that can be another discussion.

But, the bottom line is let's just talk statistics, let's talk money, let's talk where are these kids going to be and how this program is run. That's all I was asking for last week, just a day to just discuss it and see what's going to be done anyway. I'm glad that we're going to discuss it tomorrow so that everyone is indeed clear and, then, hopefully, there will be no more blow-ups like this again.

Thank you.

**The Chair:**

Any other matter to be brought before the Body before the Post-Agenda begins.

**Mr. Udin:**

I would hope that the Director of Public Works will be available just as a general matter so that we can find out if we want to do that in the future, what capacity the Public Works Department has to supervise these kids and meet the learning objectives required in the federal grant.

**The Chair:**

Thank you.

Could you please inform Director Kraszewski to also be present as well as Director Parees.

**Mr. Onorato:**

This memo went to all Councilmembers. If you don't have one, I'll give you a copy of it. In the memo it does say that the Department of Public Works has identified a Mr. Kevin Sweeney, so maybe he should to be here as the point person coordinator between these groups and the public works projects. I think you might want to have both these gentlemen there.

**The Chair:**

Any other matter?

Do we have a motion to adjourn this Legislative Session?

**MR. ONORATO** moved to adjourn the meeting.

**The Chair:**

Second?

**MR. COHEN** seconded the motion.

**The Chair:**

Motion to excuse the absent member.

**MR. ONORATO** moved to excuse the absent member.

**MR. O'CONNOR** seconded the motion.

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Which motion prevailed.

This Legislative Session stands  
adjourned.

Thank you.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
JOHN MASCIO.....Deputy Clerk

Pittsburgh, PA  
Tuesday, July 8, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)
Mr. O'Connor	

#### The Chair:

Good morning everyone. At this time, would you please rise for the Pledge of Allegiance? And would you please remain standing for a moment of silent prayer so we may have peace throughout the world.

We are very pleased to have a young gentleman here this morning, his name is Wesley Carroll. He's a student from Lincoln Elementary School. He's a second grade honor student. He attends

the East Liberty Concerned Citizen Projects Africa Summer Program. He's eight years old. He's from Councilwoman McDonald's district, District 9. He's the grandson of Ora Lee Carroll, who many of us know is very active in the East Liberty/Larimer community. He's accompanied by a board member from the East Liberty Concerned Citizen, Mrs. Doris Budd, and we want to thank him for coming down here today to lead us in the Pledge of Allegiance.

#### Wesley Carroll:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all.

#### The Chair:

Thank you. Thank you, Wesley. Please say hello to your grandmother. I want to thank you for taking time to come down here from your summer vacation. Good luck with your school studies over the summer, also. You have been presented with a flag of the City and the flag of our nation by our City Clerk.

Every once in awhile the stars and the moon are consolated and there are no proclamations today. I don't know what happened. No one is being honored today. So, we will move more quickly through the agenda today. I know a number of colleagues want to meet our

Vice-President being in Pittsburgh later on this morning.

At this time, recognizing that we have no formal proclamations, we'll move directly to any Reports of Special Committees or any unfinished business or matter to be brought before the body. If not, if the Clerk could give me an agenda.

**The Chair:**

We are going to go to Presentation of Papers.

**PRESENTATIONS**

**MR. COHEN PRESENTED:**

No. 2142 A Resolution authorizing the transfer of \$1,400.00 from Code Account 1423, Equipment, Index Code 142307 to Code Account 1421-1, Education and Training, Index Code 142117, Bureau of Emergency Medical Services, Department of Public Safety.

Which was referred to the Committee on Public Safety Services.

**MR. RICCIARDI PRESENTED:**

No. 2143 Resolution providing for contract or use of existing contracts, for an existing contract for an update to the Pavement Management System in the City of Pittsburgh, at a cost not to exceed Forty Thousand (\$40,000.00) Dollars, chargeable to and payable from Account 522500, Fund 5100, Org. 400000, Sub-class PGHPR, Project 2231111, Budget Year 1996, Index Code 875534, Department of Public Works. A Pavement Management System is an inventory of all

existing streets, by type (asphalt, concrete, etc.) and road condition.

No. 2144 Resolution providing for a contract or the use of existing contracts, for an existing contract/s for brick pavement maintenance, rehabilitation and replacement in CD areas throughout the City of Pittsburgh and other work incidental thereto, at a cost not to exceed Fifteen Thousand (\$15,000.00) Dollars, chargeable to and payable from Account 526700, Fund 2610, Org. 400000, Sub-Class C1997, Project 2231101, Budget Year 1997, Department of Public Works.

No. 2145 Resolution granting unto The Yellow Cab Company of Pittsburgh, 5931 Ellsworth Avenue, Pittsburgh Pennsylvania 15206, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a parking area, fence and gate on the portion of a right-of-way on Ellsworth Avenue, 7th Ward, 8th Council District, City of Pittsburgh.

No. 2146 Resolution granting unto Pennsylvania Department of Transportation, 45 Thomas Run Road, Bridgeville, Pennsylvania 15017-2853, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, installation of a CCTV camera, pole and underground conduit on Stadium Drive East, 22nd Ward, 6th Council District, City of Pittsburgh.

No. 2147 Resolution granting unto Beynon Building Company, 1900 Allegheny Building, 429 Forbes Avenue, Pittsburgh Pennsylvania 15219, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a handicapped ramp



with a guardrail and handrail on Wood Street, 1st Ward, 6th Council District, City of Pittsburgh.

No. 2148 Resolution granting unto Crossgates Realty, Inc., 3555 Washington Road, McMurray, Pennsylvania 15317, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, precast concrete steps on North Bellefield Avenue, 4th Ward, 8th Council District of the City of Pittsburgh.

No. 2149 Resolution granting unto Salvatore Plescia, Jr., 91 Longvue Drive, Pittsburgh, Pennsylvania 15228, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, an access road on McGraw Street and Cape Way, 32nd Ward, 4th Council District of the City of Pittsburgh.

No. 2150 Resolution granting unto International Metro Corporation, 4740 Liberty Avenue, Pittsburgh, Pennsylvania 15224, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a handicap ramp on Liberty Avenue, 8th Ward, 7th Council District of the City of Pittsburgh.

No. 2151 Resolution granting unto Pittsburgh Downtown Partnership, 130 Seventh Street, Suite 1200, Pittsburgh, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, planter boxes and decorative flags on 6th Street, Market Square and Market Street in the 1st Ward, 6th Council District of the City of Pittsburgh.

Which was referred to the Committee on Public Works, Water and Environmental Services.

**MR. UDIN PRESENTED:**

No. 2152 Resolution providing for the issuance of a warrant in the sum of \$12,500.00 to Jacqueline Tipton c/o Bernard C. Caputo, Esquire, of John A. Caputo & Associates, Three Gateway Center, Fifth Floor East, Pittsburgh PA 15222, in full and final settlement of the action filed at gd 95-3822 alleging personal injury due to a slip and fall on the corner of 18th and Smallman Streets, on or about December 8, 1993.

No. 2153 Resolution providing that the City of Pittsburgh enter into a professional service contract or contracts with Pennsylvania Economy League Inc., in a form approved by the City Solicitor for the purpose of various consulting and advisory services and providing for the payment at a cost not to exceed Seventy-Five Thousand Dollars (\$75,000.00) chargeable and payment from Code Account 1063, Miscellaneous Services, Index Code 106302, Department of Finance, Account 526100, Fund 1000, Organization 107100, Sub-Class 150, Budget Year 1997.

No. 2154 Communication from Tom Murphy, Mayor, requesting permission for Richard Stewart, Victor Rhodes, William Soloman, Andre Childs and Crystal Jennings, all members of the Steel City Sprinters Track Club and a non-City employee to attend a Junior Olympics National Championship Games in Baton Rouge, LA on July 23-27, 1997 at a cost of \$200.00 per person. Total cost of travel will not to exceed \$1,000.00, chargeable to

and payable from the Operation Weed and Seed Trust Fund, Index Code 252957, Account 564100, organization 10200, Program N/A, Sub-Class 600, Budget Year 1997, Project Grant N/A. The purpose of this travel is for individual team members who have performed well in local and regional track meets to compete against a national field for medals at the Junior Olympics. The Steel City Sprinters have been a sponsored activity of the City of Pittsburgh's Operation Weed and Seed Program.

Which was referred to the Committee on Finance and Budget.

**The Chair:**

That concludes our presentation of papers. I move to Reports of Committees.

**REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2155:

Report of the Committee on Finance and Budget for July 2, 1997 transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2091:

Resolution providing for the issuance of a warrant in favor of Mobile Health Services in the amount of \$1,194.65 for the purpose of emergency equipment, chargeable to and payable from Code Account PEMA, Index Code 253161, Fund 2463, Sub-Class 600,

Account 540750, Organization 213000, Emergency Operations Center, Department of Public Safety. The emergency operations center purchased three Federal A-15 Electronic Megaphones and 18 Command Vests for the Klu Klux Klan Rally.

Which was read.

Also,

Bill No. 2092:

Resolution providing for the issuance of a warrant in favor of Mark Supply Company in the amount of \$1,755.00 for the purchase of police operational equipment, chargeable to an payable from Code Account 1450, Index Code 145003, Fund 1000, Sub-Class 120, Account 542700, Budget Year 1997, Organization 230000, Bureau of Police, Department of Public Safety. The Police Bureau was required to purchase some specialized police operational equipment to be used for crowd control at the Klu Klux Klan Rally.

Which was read.

Also,

Bill No. 2106:

Resolution providing for a contact or contracts for the purchase and delivery of a new computer software. The MetSYS database system is a comprehensive client information software package that will allow us to integrate all aspects of our applicant/participant information management needs. It provides for both local area and wide area network connectivity to enable us to utilize a

single, comprehensive database for JTPA, SPOC, and NEC (Neighborhood Employment Center) client and case management information. The total of the contracts will not exceed forty six thousand (\$46,000.00) dollars.

Which was read.

Also,

Bill No. 2107:

Resolution repealing forfeiting Resolution No. 822, Item G, effective, November 1, 1996, and reinstating Resolution No. 1448, Item A, effective December 31, 1993, as amended by Resolution No. 74, effective February 16, 1994, which authorized the sale of a two story brick house situated on a lot 20'x110', known as 4812 Rosetta Street, 10<sup>th</sup> Ward, Block 50F, Lot 73, to Valerie R. Reuben for the sum of \$6,000. (Council District 7)

Which was read.

Also,

Bill No. 2108:

Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Which was read.

Also,

Bill No. 2109:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

Which was read.

Also,

Bill No. 2110:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which was read.

Also,

Bill No. 2125:

Resolution further amending Bill No. 2038 of 1997 which amended Resolution No. 598 of 1996 entitled "Providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act", by adding Section 13 to place JTPA summer youth employees in the Department of Public Works. **(SPONSORED BY MR. ONORATO).**

Which was read.

**The Chair:**

You've heard the reading and title of the various bills. Are there any discussions, any changes in any of the amendments?

Councilman Onorato, does anything need to be changed regarding that summer job issue?

**Mr. Onorato:**

No, everything was handled last week, Mr. President.

**The Chair:**

Any other discussion? Hearing none, if you are in favor of the bills, vote aye. If you are opposed, vote no.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. O'Connor	Mr. Cusick
Ms. McDonald	Mr. Hertzberg
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Cohen
	Mr. Ferlo
	(Pres't)

**AYES**      Nine      **NOES**      None

All the bills having received the legally required number of votes have been approved finally.

**MR. RICCIARDI PRESENTED:**

Bill No. 2156:

Report of the Committee on Public Works, Water and Environmental Services for July 2, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed

Also, with an affirmative recommendation.

**Bill No. 2103:**

Resolution accepting the dedication by the Urban Redevelopment Authority of Pittsburgh of Technology Drive in the Pittsburgh Technological Center Redevelopment area in the 4th Ward, 6th Council District for the City of Pittsburgh for public highway purposes, opening and naming the same, fixing the width and position of the roadway and sidewalks, and accepting the grading. Paving, curbing, street lighting, sanitary and storm sewer and water lines in the Pittsburgh Technology Center as public improvements of the City of Pittsburgh.

Which was read.

Also,

**Bill No. 2104:**

Resolution authorizing the Mayor and the Director of the Department of Public Works to execute an amendment service agreement with the Borough of Plum, the Plum Borough Municipal Sewer Authority and the Allegheny County Sanitary Authority consenting to the assignment of Sewage Service Amendment Agreement among the City, the Allegheny County Sanitary Authority, and Plum Borough, to the Plum Borough Municipal Sewer Authority.

Which was read.

Also,

Bill No. 2105:

Resolution vacating a portion of Clark Way between Heldman Street and Roberts Street and Unnamed Way from Heldman Street to its westerly terminus in the 3<sup>rd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Is there any discussion?

Hearing none, this bill is now ready for final action. All in favor of the passage of the bill will vote aye when your names are called. If you are opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. O'Connor	Mr. Cusick
Ms. McDonald	Mr. Hertzberg
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Cohen

(Mr. Ferlo voted no on Bill 2103 and abstained on Bill 2104)

All of the bills having received the legally required number of votes have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2157:

Report of the Committee on Planning, Zoning and Land Use for July 2, 1997 transmitting one ordinance and one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1889:

An Ordinance amending the Pittsburgh Code, Title 9, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 12, by changing from "R4" Multiple-Family Residence District and "C4" Commercial District to "I-C" Institutional Civic District, certain property of Carlow College having frontage on Forbes Avenue, Craft Avenue, Fifth Avenue and Robinson Street, 4th Ward.

Which was read.

Also,

Bill No. 1890:

Resolution approving a conditional use exception under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Carlow College for authorization to construct a 3 and 4 story 95,750 square foot Center for Science and Technology, with integral parking to accommodate 25 automobiles and for the renovation of Trinity Hall for use as a child daycare center both located on the campus of Carlow College at 3333 5th Avenue on property zoned "I-C", Institutional Civic District, 4th Ward.

Which was read.

Also,

No. 2102:

Resolution amending Resolution No. 74, approved February 15, 1995, entitled providing for implementation of a Residential Parking (RPPP) Area "W" in the Crawford Roberts community pursuant to Pittsburgh Code Chapter 549, so as to amend streets included in Area "W".

Which was read.

**The Chair:**

You have heard the reading and the title of the bills. Is there any discussion?

**Mr. Udin:**

Thank you, Mr. President. I just want to speak in support of the Bill No. 1889 which is a rezoning to accommodate the request of Carlow College to build a new building there at the entrance to Oakland at Forbes and Craft. And to commend them for the manner in which they went about pursuing a community consensus and developing the plans consistent with the concerns of the residential and commercial neighbors. It's an excellent plan and I would appreciate Council support.

**The Chair:**

Thank you. Any other discussion? Hearing none, all the bills are ready for final action. If you are in favor of the passage of the bill, you will vote aye when your names are called. If you are opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. O'Connor	Mr. Cusick
Ms. McDonald	Mr. Hertzberg
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Cohen
	Mr. Ferlo
	(Pres't)

**AYES      Nine      NOES      None**

All of the bills having received the legally required number of votes have been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2158:

Report of the Committee on Housing, Economic Development and Promotion for July 2, 1997, transmitting one resolution to Council.

Which was read, received and filed.

Bill No. 2098:

Resolution authorizing the City of Pittsburgh to submit grant applications to and execute relevant agreements with the Pennsylvania Department of Conservation and Natural Resources under the provisions of the Pennsylvania Recreational Trails Program.

Which was read.

**The Chair:**

You have heard the reading and title of the bill. Is there any discussion?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill, will vote aye when your names are called. If you're opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. O'Connor	Mr. Cusick
Ms. McDonald	Mr. Hertzberg
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Cohen
	Mr. Ferlo
	(Pres't)

**AYES**      Nine      **NOES**      None

The bill having required the legally required number of votes has been approved finally.

**MR. COHEN PRESENTED:**

Bill No. 2159:

Report of the Committee on Public Safety Services for July 2, 1997, transmitting one ordinance and sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2060:

An Ordinance amending and supplementing the Pittsburgh Code, Title 8, Fire Prevention and Title 10, Building, Property Maintenance, and International Mechanical Code and by adopting a new title 8 and Title 10, 1996 Editions, and by

adopting the 1995 Edition of the One and Two Family Dwellings Code.

Which was read.

Also,

Bill No. 2093:

Resolution providing for an Agreement or Agreements with a psychologist or psychologists for professional psychology services at a cost not to exceed \$65,000, and providing for the payment of the cost thereof, chargeable to and payable from Code Account 1401, Index Code 140103, Fund 1000, Sub-Class 150, Account 526300, Org. No. 211000, Miscellaneous Services, Bureau of Administration, Department of Public Safety.

Which was read.

Also,

Bill No. 2094:

Resolution providing for a Contract or use of existing contacts or agreement or use of existing agreements for the purpose of two vehicles and related accessories for the Emergency Operations Center, Department of Public Safety and providing for the payment of the costs thereof, not to exceed fifty thousand dollars (\$50,000.00) chargeable to and payable from PEMA Trust Fund, Index Code 253161, trust Fund 2463, Org. No. 213000, Sub-Class 120, Account 540000, Bureau of Administration, Department of Public Safety.

Which was read.

Also,

Bill No. 2095:

Resolution providing for a contract or use of existing contracts for the purchase of fire hoses for the Bureau of Fire, Department of Public Safety and providing for the payment of the costs thereof, total cost shall not exceed \$40,000 chargeable to and payable from 1996 Community Development Block Grant Funds, Index Code 618488, Sub-Class C1996, Project Number 2261200, Fund 2610, Organization 200000, Account 541800, Budget Year 1996, Bureau of Fire, Department of Public Safety.

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Is there any discussions?

**Mr. Ricciardi:**

Just a question, if I may, on Bill No. 2094 regarding the two vehicles. I see obviously they are coming from the trust fund. Is there a reason we are not going through the equipment leasing authority on these two vehicles?

**The Chair:**

The question was asked and it was conveyed that the information is that the money is coming out of the trust fund from dedicated revenue as opposed to needing to use the equipment leasing authorized funds which comes from, basically, bond proceeds.

**Mr. Ricciardi:**

Who would own the vehicles?

**The Chair:**

There is a lease-back provision with this that the Public Safety Department of the City would own the vehicle, Councilman. I believe that is correct.

**Mr. Ricciardi:**

Okay. Thank you.

**Mr. Onorato:**

I'd like to have my comment brought forward. I'm not sure how we left that precisely. Do we bring all comments forward or do we put them in some little book and we hide them and pull them out when someone wants to look at them or something?

**The Chair:**

Did we make a footnote that you wanted the comments brought forward and take a look just so when they see my no vote to go ask the university for some help.

**The Chair:**

Jim Ferlo Paper Reduction Act of 1990.

**Mr. Cohen:**

I'd like to commend the Chief of BBI, Dom Cimino; also the fire prevention folks headed by assistant Chief McHaley for all their hard work on putting together a new BOCA Code including the new fire code.

It was months of work that involves adding some new provisions but



mostly in the interest of saving paperwork, Mr. President, consolidating our BOCA Code so that it does not have the huge ream of amendments that we have had over last 40 years or so and also to make our BOCA Code uniform nationally.

There really is both a national and international movement to have a single BOCA Code for the United States and hopefully have a single BOCA Code internationally. So I do want to congratulate the people in BBI and in Fire for all their hard work.

**The Chair:**

Thank you. Obviously, I support the ordinances. I did make the point I do so believe, that since the BOCA updates don't happen every three to five years at best, there should be some inflationary minor increase in the various fees collected on the yearly basis. Similar to the way building inspection raises fees, which I think is less then three percent or about three percent.

**Mr. Cohen:**

They cannot do more than three percent per year.

**The Chair:**

But I just think at some point that we might want to look at that issue because it's not fair to wait five years to reasonably raise fees. Plus, we just give the authority to the Director to raise them at a small, modest rate each year. It would not mean doubling them every five or six years.

**Mr. Cohen:**

I agree. So maybe Councilman Cohen will put that on his agenda along with everything else.

**The Chair:**

Any other comments of discussion? Hearing none, if are you in favor of the bills, vote aye. If you're opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. O'Connor	Mr. Cusick
Ms. McDonald	Mr. Hertzberg
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Cohen
	Mr. Ferlo
	(Pres't)

**(Mr. Onorato voted no on Bill 2093)**

All the bills have received the required number of votes and have been approved finally.

**MR. O'CONNOR PRESENTED:**

Bill No. 2160:

Report of the Committee on Engineering and Construction for July 2, 1997, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2099:

Resolution providing for an agreement or agreement/s or use of

existing agreements and/or a contract or contracts, use of existing contracts for the purchase of materials and equipment in connection with the renovations and repairs of various swimming pools and providing for the cost thereof; costs not to exceed \$107,000, chargeable to and payable from Account 600000, Fund 5100, Org. 301000, Sub-Class PGHPR, Project/Grant 2242000, Budget Year 1997.

Which was read.

Also,

Bill No. 2100:

Resolution further amending Resolution No. 1018 effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program and approving the 1997 through 2002 Capital Improvement Program" by adding \$107,000 as a 1997 appropriations to an existing program (Pool Rehabilitation).

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Is there any discussion? Hearing none, the bills are ready for final action. All in favor of the passage of the bills will vote aye when your names are called. If you are opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. O'Connor	Mr. Cusick
Ms. McDonald	Mr. Hertzberg
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Cohen
	Mr. Ferlo
	(Pres't)

**AYES**      **Nine**      **NOES**      **None**

All of the bills having received the legally required number of votes have been approved finally. That concludes our Reports of Committees.

**The Chair:**

Moving to motions and resolutions.

## **MOTIONS AND RESOLUTIONS**

**Ms. McDonald:**

No, Mr. President, for all committees, Finance, Public Safety, et cetera, I'd like to register an aye vote on all bills for all of the other committees.

**The Chair:**

Thank you. Any other matter under motions and resolutions? Next week I've asked that the delegation from the Vintage Grand Prix and the delegation from the Regatta come here in terms of their annual events. If there are no objections, I'd like just to have that be on behalf of all colleagues and maybe some of the Board Members from the respective groups get up and say a few words. I'd like to try to get them in next week because the events are fast approaching.

**Ms. McDonald:**

Yes, for all the residents of Point Breeze who had expenses incurred to them for the pepper spray incident last Thursday, I believe it was -- or whatever day it was -- if you would like to file a claim with the City of Pittsburgh to get reimbursed for your expenses, the City Law Department has contacted my office and said they would expeditiously process any claims that would be filed as long as they are legitimate.

Of course there would be some type of review to make sure that the claims are legit, but if you do have a legitimate claim, file it with the City Law Department on the third floor as soon possible.

**The Chair:**

Thank you. Any discussion on this matter or on other matters?

**Mr. Ricciardi:**

Thank you, Mr. President and colleagues. Yes, different matters. Last year, Bob O'Connor and I raised what I thought was very serious concerns and that was regarding the upkeep, the maintenance and the cleanliness of a lot of our public facilities, as you recall, Mr. O'Connor, such as recreational centers and senior centers.

At that time last year, there was an improvement and I want to thank Mr. O'Connor because he brought the issue public and before that I was working behind closed doors and I thank you for that, Bob.

However, last year, for an example, there was a change at the Market House.

General Services, after I believe a long delay, finally moved and took the contract away from the present person and gave it to someone else.

Well, I'm not sure this is occurring in other Councilmen's districts, but yesterday I toured all my public facilities and this is a classic example where privatization does not work.

I recall, for example, at the Market House when we had a very hard working kind gentleman that was assigned to the Market House, and in all those years, Mr. Ferlo, I never remember a complaint. It was just a clean place to be and the upkeep was just excellent.

Yesterday, again, all the facilities were in horrible shape and I really believe we need to talk to our General Services Director, Deborah Miskovich, because at this time she raised a problem. The problem is that was you go to the lowest bidder. But that's the reason it is called responsible lowest bidder. A person who underbids so greatly should send up a red flag that there is no way they could do a fine job.

So now there are side issues. Side issues are that we should work with these smaller companies. We should make sure that they realize what we expect and what the bidding process is because they get them themselves in a jam.

But putting that aside, that is not my problem. My problem is that once again, and it's a pity that I have to go public, because at times with this administration, it appears that the wheels start moving a little faster as Mr. O'Connor and I found out.

So I'm just asking the administration to do several things, and if there is no objection from our colleagues, I think that we need a status of all of our public facilities, especially the recreational centers and the senior centers throughout the City of Pittsburgh and I believe there are only 30 some, Mr. President, if I am not wrong, and really ask the people on site, Public Parks and Recreation employees what the up-keep is like and let me tell you it's horrible and it's just bad, and as a matter of fact, the rest rooms were a disgrace, just a disgrace.

So once again, I'm asking administration to review the way they give out these contracts and to get these places cleaned up as soon as possible. And I would hope that if other colleagues are experiencing the same problem, if they could let me know. Maybe I'm just the unfortunate person who has a company who cannot do the work

**The Chair:**

Just a clarification. Are you talking just about cleaning contracts of public buildings or are you talking about infrastructure repairs that are needed?

**Mr. Ricciardi:**

Thanks for bringing that up. I'm just talking about basic cleaning. Cleaning the rest rooms, mopping the floors, not just in the building but around the building and even just emptying out the garbage cans. That is not occurring in many of my facilities and I don't think my facilities are any different then any other council district.

And once again, yesterday I had an opportunity to visit each and every facility and it is a shame. We should be very embarrassed. And let me tell you, the taxpayers out there are very upset and very mad. And sometimes we don't hear it because we get very busy on our legislation, which is very important, and our budgetary items, but if anyone takes a tour of their area, I think they are going to be very surprised or shocked. Thank you.

**Mr. O'Connor:**

I certainly agree with Mr. Ricciardi with what we brought up last year and I think the year before. There is a problem when you, and I'm not fighting these small companies who bid these things out, but they have part-time people who are at maybe different facilities each night. They don't know the facilities, they don't know where the equipment is. I don't think it's the right way to go.

I have talked to some of the management in this city and I believe this is the only way to do it, and I think to look at it at this upcoming budget time is to put all or part-time people at each place so they work right under the supervisor at the facility so he or she can correct or even compliment. This isn't only criticism, but unless you have a full or part-time person, and it may have to start as a part-time person, if the budget doesn't allow it, I believe that is the only answer, to have the one person responsible for that facility. This subbing out to small companies and they are only, unfortunately, getting part-time people. I don't think its going to work. I think that the answer is going to be at the budget.

**Mr. Udin:**

Yes, I would add that I do support Councilman Ricciardi's need for and request for clean facilities no matter how we get it done. That is really the bottom line, and I would suggest that we do a more thorough review of the whole system because I think that we will find the problem not only exists on the part of the contracting end but also on the part of the supervision of the contract as well as the whether or not the employees who run those centers use the system that is in place to nip the problems in the bud before they become habitual problems.

When I look at some of the centers in my district, Mr. President, I went back to find out whether or not the complaints had been filed that the contractors had not been living up to the contract specifications all along, and what happens is they let things build up, and build up and all of a sudden, a council person walks in and looks at the accumulated problem and it looks a mess, so it's a comprehensive review that is needed, Mr. President, and not just one area of it but I generally support the need for clean centers. I mean, that is inexcusable.

**The Chair:**

And, in fact, I thought one of the outcomes a couple of years ago when Mr. Ricciardi and Mr. O'Connor had raised this issue and we had a post agenda meeting, I believe, on cleaning contracts and other companies were hired. I thought there was a whole early warning system devised as Councilman Udin is referring to and maybe there is a breakdown in the system but I think all the different issues need to be a review. We might want to return to having a full-time or part-time as needed

individuals working and kind of gaining pride in ownership of these facilities in terms of maintaining the cleanliness and building rapport with the residents who utilize these facilities, so we might have to look at different strategies.

In theory, it really doesn't work. I ran 20 restaurants. If someone is coming in at midnight to clean the facility and no one sees him or her, it just is not going to work. We have a lot of part-time people in our facilities, too, so it's going to be a tough management. I think the only answer is to have that one person full time there or part-time, however that may be, because I was amazed at some of the facilities. The basis of sanitation has fallen down all over the city.

**Mr. Udin:**

When you ran your restaurants, you probably had your cleaning people to come in at night. But when you go there in the morning, if it was not right, you dealt with it immediately and it would not go on until the next week or the next day. It would be handled immediately. That's not happening here.

**The Chair:**

Before we discuss the issue, let's have General Services as well as Park Supervision personnel available to discuss both the contracting out, building issues but also the supervisory management issues regarding the cleaning contractors. I think we need both departments present to get a handle on the discussion.

**Mr. Udin:**

Yes.

**Mr. Ricciardi:**

I look forward to it and I wholeheartedly agree with Mr. Udin. My only issue is and, of course, I'm not trying to take a step away but maybe I have. We have to remember that we had three people in our offices and this is not our responsibility. It's so upsetting that when we have a budget process and we have directors that are making \$70,000 and we go all the way to down to staff members and when a council member needs to get involved in this type of issue.

So that is the reason I really want to see, and I agree with Mr. Udin, I am willing to work with everyone. But I want to see them give us a full report. Tell us about their warning signal. Tell us about how the contracts are awarded. Tell us about the complaints and maybe there has been a breakdown, but let the administration do this work and forward it to us before we get involved with a post agenda. That was my request and I hope my colleagues don't disagree with that.

**The Chair:**

No, not at all. You're assuming we have operational directors in every department which is not the case.

Any other discussion? Any other matter to be brought before the body? The only public hearing we have up coming at this point is scheduled July 22 regarding an issue Kentucky Avenue rezoning bill that Councilman Cohen has introduced. I did want to ask respectively, there was a legal memorandum from some law firm representing the individual what wants to construct on this site. I don't agree with

his legal interpretation, but as you know I am not a lawyer, despite trying to practice law, and it would be nice if the solicitor could respond to that legal memorandum we got trying to intimidate us into accepting rejection of Councilman Cohen's bill. We need a legal opinion from the solicitor regarding the law firm's legal opinion to us threatening us that we can't do what you are proposing we do. I don't know the issue fully. I am looking forward to the public hearing but I would like to have council be informed of what the law department's opinion is and the law firm's challenge to this bill.

**Mr. Cohen:**

Thank you, Mr. President. Thank you for bringing it up. I appreciate it. Suffice it to say, I disagree wholeheartedly with that legal memo and so do the neighbors in the eastern part of Shadyside disagree with it wholeheartedly. The neighbors have gotten a lawyer, Joel Aronson, who will be providing the correct local opinion, but if you want a local opinion from the solicitor, we can do that, too.

**The Chair:**

Well, I think we are being asked to consider rezoning and there is an issue of law and I think that we need a response from the law department regarding the issue.

**Mr. Cohen:**

Yes, I would be happy to get it.

**Mr. Udin:**

Could someone explain what it is about?

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**The Chair:**

I apologize. There is a rezoning bill, I believe Councilman Cohen actually introduced the rezoning regarding a small site which the front property is on Fifth Avenue, the back part of the property is on Kentucky Avenue in the 7th Ward in Shadyside. There is a public hearing scheduled before Council on Tuesday, July 22nd at 2:00 p.m. I believe the Planning Commission will have a report and recommendation regarding the issue.

There is a legal challenge on the part of the owner of the property and the developer who wants to do something with this property. I believe we got a copy of that legal memo about a week ago. I am just asking since we are moving now to the public hearing stage and about to vote on this as part of our ability to be informed on the issue, I want the law department to respond to some of the legal issues that this challenger is raising. Councilman Cohen.

**Mr. Cohen:**

Just very briefly on that. Everything you said is correct, Mr. President. What the developer is proposing to do on that site, Councilman Udin, is to tear down a mansion on Fifth Avenue and to put up a 20-unit apartment building which is very much out of character -- not only to the tear down of one of the Fifth Avenue kind of landmarks but the apartment building would be very much out of character with that neighborhood, so the neighbors are opposed to it so we will have a public hearing on the 22nd.

**The Chair:**

What is even more confusing, if I understand it correctly, is the initial action pending still before the zoning board, is this gentleman's request to use the existing mansion for a five-unit building.

**Mr. Cohen:**

Well, you're right. The developer keeps going back and forth on this and doesn't know what he wants to do so, he is basically filed two proposals. One of which I think is acceptable, the other one is not. But the latest one is the unacceptable one.

**The Chair:**

I am sure it is going to be a fun public hearing and a great opportunity for us to explore all kind of legal planning issues. In any event, it's Tuesday, July 22nd. If there are any residents who want to speak, they can call the City Clerk at 255-2138 regarding this rezoning issue.

Any other matter?

**Mr. Udin:**

Yes, I would take an opportunity, if I may, Mr. President, to, on behalf of I am sure, all members of Council, welcome Vice-President Albert Gore to the City of Pittsburgh. He will be in town today and also the President is expected to be in town next week.

Certainly on behalf of Councilwoman McDonald and myself who have been working very hard to make the national convention of the NAACP a success would take this opportunity to

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welcome all of the delegates of the NAACP which begins this Friday and will

Thank you, Councilman. Any other matter? Hearing none, this legislative session stands adjourned.

Thank you.

run through next Thursday and invite all members of Council to participate fully in the activities of the Convention.

**The Chair:**



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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
JOHN MASCIO.....Deputy Clerk

Pittsburgh, PA  
Tuesday, July 15, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)
Mr. O'Connor	

#### The Chair:

Good morning, everyone. We have a number of guests in the audience this morning; but at this time, would you please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silence so we may have peace throughout the world.

We are pleased to have a young man here this morning. He is the son of our own police officer, our Sergeant of Arms, Victoria. Brandon is 11 years old, Brandon Mohnney. He is going to have his

birthday pretty soon, July 31st. He is going to be 12, and he attends St. Margaret's School. He is going to be in the 7th grade. He is from Councilman Hertzberg's district, the grand and glorious 2nd District of the City of Pittsburgh. And he's accompanied by his mom and his little sister, Paige -- I said that right. And Brandon's going to lead us in the Pledge of Allegiance.

#### Brandon Mohnney:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under god indivisible with liberty and justice for all.

#### The Chair:

Thank you, Brandon. You did a good job. Our Clerk would like to present you with a flag of our nation and a flag of our city.

#### PRESENTATIONS

#### Mr. Cusick:

Yes, Mr. President. Prior to the meeting starting today, I just wanted to make mention, a very close friend and someone that played a very important part in my life in most recent months has passed away, John "Jack" Daniels. He was a police officer with the city for many years. As you know, his wife, MaryLou Daniels, both of Elliot, had passed away some six weeks ago; now, the passing of

her husband, Jack. I thought it would be appropriate if we asked everyone to keep the Daniels' family in mind in this hard time.

They not only gave their services as City employees, both MaryLou and Jack, but spent many tireless evenings helping people with drug and alcohol problems and played a very important part in helping me in most recent months when times were not so good for me. So I'd like to, if you could, please ask everyone to just keep him in mind.

**The Chair:**

Thank you very much, Councilman. We have a number of guests in the audience this morning; and at this time, I would like to call on Councilwoman McDonald.

**Ms. McDonald:**

Good morning. I would like to call forward Tina Brewer and John. Would you like to come up, please? You're dressed for coming up. Let's crowd in together and make it cozy. This is a very special resolution for me because this is not just somebody that lives in the community but they are people that I know. We go back a long ways when she had her babies cooking and I had my babies cooking and she remembers when I had mine so we're neighbors and we're friends and it's time to read this resolution.

**MS. McDONALD PRESENTS:**

No. 2161 WHEREAS, on Saturday June 14, 1997 the State Museum of Pennsylvania and the Greater Harrisburg Arts Council cosponsored the

30th Annual "Art of the State Pennsylvania '97 Awards Ceremony and Gala Reception at the State's Museum of Pennsylvania in Harrisburg;

WHEREAS, this juried exhibition provided statewide recognition and exposure for Pennsylvania's established and emerging artists. Pittsburgh's own Tina Williams Brewer received a first place award for her story quilt "All Life Begins in Darkness". This quilt depicts the cycle of life and death within the universe. It also symbolizes the seeds we plant through our children and the destinies that await them;

WHEREAS, in addition, Mrs. Brewer received the usual Purchase Award of \$1000.00 for her quilt "Glow from the Motherland". The piece is a reflection of African-American history and heritage. Tina has also commissioned to add a new piece of her work to the State Museum's permanent collection. Her award, and especially noteworthy in light of fact that 1300 entries were submitted and she came out first. All right, Tina and Pittsburgh!

NOW, THEREFORE BE IT RESOLVED, that the Council for the City of Pittsburgh congratulates Tina Williams Brewer for her award winning pieces of art at the State Conference. We also commend Mrs. Brewer for bringing this mark of distinction to Pittsburgh.

**MS. MCDONALD** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**Ms. McDonald:**

For any of you all who have never seen Tina Brewer's art work, particularly her quilt, I welcome you. It is, indeed, an experience. You have not seen quilts before. Now you go to these quilt exhibits. You want to see a quilt? You see some of some of Tina's quilt, because it is, indeed, a wonderful work of art. You stand there and you are in awe of their images, the statement that it is making to you as well as the detail and all the work that went into it and her heart and soul. When you look at that quilt, you not only see a real technical piece of stitchery but you also see her soul.

So, Again, Tina, I cannot tell you how much I love your artwork and how talented I think you are. I think you are one of our most talented people in the City of Pittsburgh. Again, I want to say, see her artwork. I don't know where all of it is displayed, but go to or call Ramsey's II on Frankstown Avenue. It is a restaurant and ask her. I don't know if you have everything for purchase — she'll explain that.

**Tina Brewer:**

Thank you very much for this proclamation. It is an honor and I feel very blessed to be able to share my artwork. In recent years, I have been able to acquire a little bit of notoriety through foundation work through the Graval Foundation in Pittsburgh, which has given me an opportunity to open up doors and go into the schools and talk to the children about the art work. That is what it is really about. Thank you very much.

**John Brewer:**

On behalf of my wife and our family, we certainly appreciate Council taking time to note an artist. You know art is a form of culture and culture is a form of expression; and I have not seen anybody who does it any better than Tina does.

**Mr. Hertzberg:**

Would the group from the Open Door of Crafton Heights please come forward? The Open Door of Crafton Heights recently celebrated its Tenth Anniversary and this resolution honors the Open Door of Crafton Heights, and I think when I read it, it will be self-explanatory.

**MR. HERTZBERG PRESENTS:**

No. 2162 WHEREAS, in 1985, through the generosity of a friend, Pastor Dave Carver of United Presbyterian Church of Crafton Heights acquired a broken down old building on Stratmore Avenue in the 28th Ward of the City of Pittsburgh.

WHEREAS, with the dedicated leadership and help of Bob Salanetro and Dave Keer, several hard-working, energetic, devoted volunteers and union apprentices tore down, broke up, dug out, ripped apart then diligently rebuilt, revamped, recovered and redesigned this building;

WHEREAS, under Dave Carver's caring direction, they created a safe place that the kids that God loves can meet with the people that love God and provided opportunities for families to come together to celebrate God's gifts;

WHEREAS, this group of ingenious workers celebrated the grand

opening of this labor of love and christened it as The Open Door Community Center with family, friends and supporters in June 1987;

WHEREAS, the Open Door has continued to grow and progress over the last several years fulfilling missions, dreams and opportunities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, congratulate The Open Door Steering Committee, friends and benefactors on the tenth anniversary of a successful program and wishes continued success to them and all who enter The Open Door at Crafton Heights.

**MR. HERTZBERG** moved to adopt the resolution.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Thank you. And, of course, we have Reverend Dave Carver here; also Ariel Carver, Darcy Prevos, Adam Robinson, who is the 1996/97 Open Door Student of the Year. William and Fay Reynolds and Bill and Pearl Schneider are here; and I'm sure Reverend Carver would like to make a few remarks.

**Reverend Carver:**

I want to say thanks to Alan and to the Council for the partnership that we have developed with the city. The Open Door is not accustomed to making news, is not accustomed to doing anything very splashedly. The Open Door is a place

where regular kids can go and regular folks can play and have fun and be together. And as Alan said, to be in a place where they are loved. As we celebrated our tenth anniversary, I was made more aware than ever of the amount of work, particularly by Dave Keer and Bob Salanetro.

When we started, there was one guy who didn't know what we were doing and two guys who did, and I talked the most and they worked the most and that still is how it goes. But we are grateful for the way that the city has back stopped us with things like lighting and some sound; but most importantly, with the sense of knowing that we matter to somebody outside of Crafton Heights. We are grateful for your support and grateful to be here. And you should also know that your fellow councilmen did quite a job at the tenth anniversary celebration. If you want to get a videotape of him being hoodwinked by a magician -- he was the foil, the perfect foil for a good bit of time. So, thank you very much.

**Mr. O'Connor:**

The Open Door at Crafton Heights has programming for, I think, adults as well as youth, but I think we see more benefit, at least I do -- I feel more benefit to the youth of the neighborhood and the many programs that they have. So I hope that our Student of the Year for 1996/97 will make some remarks about his experience at the Open Door. Adam Robinson. Too much pressure. Okay. Thank you very much. And Dave let me present this.

**The Chair:**

I believe Councilwoman McDonald has one to be read into the record, possibly.

**Ms. McDonald:**

Mr. President, I don't have the resolution here on the table, but there is one for Miss Yvonne Campos, who is the first female president in the 85-year history of the Pittsburgh Rotary Club, to be the president.

**The Chair:**

The Clerk has it, and we'll read it into the record.

**Ms. McDonald:**

We are very proud of it.

**MS. McDONALD PRESENTS:**

No. 2163 WHEREAS, on July 9, 1997 the Pittsburgh Rotary Club will celebrate the beginning of the term of newly selected president, Yvonne Campos. The reception and meeting will take place at the Weston William Penn Hotel; and

WHEREAS, the Rotary Club of Pittsburgh is a diverse, non-profit organization of civic oriented business and professional leaders who commit their time, talent and treasures to serving others both in the Pittsburgh community and globally. Created in 1905, Rotary International is the oldest service club in the nation and has 1.2 million members belonging to 27,000 Rotary clubs worldwide; and

WHEREAS, the Pittsburgh branch of the Rotary Club first admitted women

in 1987. Yvonne Campos will be the club's first woman president in their 85-year history; and

WHEREAS, a six year member of the Pittsburgh Rotary Club, Yvonne has served the community in many capacities. She is currently a Commissioner for the Greater Pittsburgh Commission for Women, and on the board of the Pittsburgh Downtown Partnership, the Ben Franklin technology Center, and the Lemington Center. She has also been recognized by Governor Ridge as well as the YWCA and NAWCO for her achievements in business and the community.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Yvonne Campos as she begins her term as the first woman president of the Pittsburgh Rotary Club. We would also like to commend the Rotary Club for its continued service to community improvement.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. FERLO** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Will all the representatives from the Vintage Grand Prix come up? As you know, Councilmen and woman, this is Race Week again in Pittsburgh and the Grand Prix Race. Schenley Park looks beautiful as usual.

**Mr. O'Connor:**

We have Danny Yanda, he is the event chairman and president of the Pittsburgh Vintage Grand Prix. Diane Barna is the secretary of the Vintage Grand Prix and she is also with Allegheny Valley Hospital -- or, School -- I'm sorry. One of the benefitters of the event; and we're waiting, Dan. We lost him. He is here somewhere and Don Brown, everyone knows Don from Art Media and he is actually the starter. Better known as the flagman. You can start Council with these. I will read the proclamation.

**MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:**

No. 2164 WHEREAS, the Pittsburgh Vintage Grand Prix Association is holding its 15th Anniversary of its Pittsburgh Vintage Grand Prix this year providing Pittsburgh with more than one full week of exciting events including a kickoff rally, a car show, a car cruise and a final day of vintage auto racing in the city streets of Schenley Park.

WHEREAS, the success of the Vintage Grand Prix is sanctioned by the Vintage Sports Car Club of America it's solely to nearly 1400 volunteers who donate their time throughout the year to organize and manage these activities, making it the only all-volunteer managed and operated event of its kind.

WHEREAS, the proceeds from the Vintage Grand Prix activities benefit two worthwhile charities, The Allegheny County Valley School and the Autistic Society of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend its thank

you to the Pittsburgh Vintage Grand Prix Associate and to all of those who are involved with creating this high quality event.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh fully supports the Pittsburgh Vintage Grand Prix and hereby declares Sunday, July 13 through July 20, 1997 as Pittsburgh Vintage Grand Prix Race Week in the City of Pittsburgh.  
The Chair:

Is the Motion approved? Will there be second and all in favor? The motion carries.

**Mr. O'Connor:**

I hope everyone goes out. I know time trials will be starting Saturday. I'm a race fan. I was in Cleveland last year for Grand Prix. I had pretty good seats but you couldn't see much. We drove all the way to Cleveland. So I encourage everyone to come out. It's not Mario Andretti, but it is certainly good old cars and good quality racing, and you get a great view from almost any hillside in Schenley Park. So we encourage everyone to come out and see it. It will be a great event. Dan, do you want to say a few words?

**Dan Yanda:**

Thank you very much, Councilman O'Connor. On behalf of the Allegheny Valley School and the Autism Society of Pittsburgh, and the 1650 plus volunteers, we proudly accept this and really appreciate it. It gives us common people, people from every walk of life, a chance to proudly showcase the City of Pittsburgh.

We bring people in from all over the world and we are very proud of this city and every bit of work that you have done for us in helping us to pull this thing off. It's a joint effort between our volunteers, the City and County, and we really appreciate all your effort. Thank you.

**Diane Barna:**

I just want to remind you what makes us unique. This event is all-volunteer mission operated. Nobody receives a paycheck to run this event. This event is free to the public, and 100% of its proceeds go to charity, and as one of the charities represented, it helps us serve over 700 children and adults with mental retardation. So thank you.

Little is known about the Grand Prix's origin. It started when Art McGovern, a race car driver and his girlfriend, Mary Beth Gmitter, called Myron Cope and said "We would like to run on the city streets." Mr. O'Connor and Mr. Provo were out at the time. I said it better be done for charity, because if it isn't, we don't see how it can happen if there is going to be profit going to people. So we went to see Mayor Caliguiri. With people like Mr. Ferlo and Mr. O'Connor and Mr. Caliguiri said, "Will it benefit charity?" And we said, "Yes." Mr. Cope called my wife, who passed away a year ago this week. My wife was president of the Autism Society of Pittsburgh, which was about a \$500.00 a year operation. Connie said, "Go ahead and do it," but she said, "We have the kind of car that they don't allow in Mt. Lebanon after 6 o'clock. Myron said, "Connie, do we go ahead or don't we?" She said, "Yes, even if it falls on its fanny, the notoriety will be great for our charities."

Allegheny Valley School's Regis Champ and Connie went along with this, and that is how it got started, right in this very building with Mr. Caliguiri and the other people whose names I mentioned. And now today, the Allegheny Valley School is probably the preeminent. I won't say it's all the result of the Grand Prix, of course, but Allegheny Valley School's reputation is absolutely the best in the State of Pennsylvania for caring for retarded individuals in group homes as well as in the facility.

As far as the Autism Society of Pittsburgh is concerned, it has become the leading chapter in the country, it's the model chapter. People move into this city if they have an autistic kid because they know how they are going to be served here.

I can say that we have for every council member a kit with a pass to get into the event. You check in at the clubhouse. We will get you a good parking spot where you can see it. Mr. O'Connor, we have a special space for you. You can see the whole race. We're going to send you up in a plane. And these we have for the press. Bobby James, I'll give these to all in just a second. These are the media passes and press kits. We are being covered by National Geographic this year. In October, we will be featured on National Explorer. We will have 60 individuals from the media from as far away as Finland and the Far East in Japan covering our race this year. We're big time, but we're still a totally all volunteer operation with 100% of our proceeds going to charity. Thank you. I just wanted to say this is our 15th year that I am going to be displaying this green flag. This says,

guys, we are going to go; I am enjoying every year of it and when we show this one for the last event, we are going to start planning for our 16th year. Thank you everyone.

#### **The Chair:**

We want to thank you all the volunteers this week especially for all the hard work they are going to put into this event. Congratulations for putting together a world class event here in the City of Pittsburgh. Thank you, Councilman O'Connor.

#### **Mr. Onorato:**

At this time, if we could have Darryl Oaks come forward and his family. And as Darryl is coming forward we have with us his wife, Stacey, and his two lovely daughters there, Cheyenne and Kasha. There you go. Come over here. This proclamation is sponsored by all members of Council. This is a project that we have been working on or least been talking about and I want to thank Darryl for making it come true. This is the area of Pleasant Valley on the North Side which is represented by two Council members, Councilman Udin and I. Our district meets right along the line there and it goes in and out of the neighborhood and the proclamation, I think, will explain why Darryl is down here today.

#### **MR. ONORATO AND ALL MEMBERS PRESENT:**

No. 2165 WHEREAS, this year by request of the community Darryl Oaks coached the Leland Giants, a little league team in the Pleasant Valley Community. This area has not had a little league team

in over ten years and Coach Oaks stuck out a rough year in order to ensure that this neighborhood would again have little league baseball;

WHEREAS, Mr. Oaks coordinated his efforts in conjunction with The Greater Northside Athletic Association to bring a new opportunity to the youth of the neighborhood. This effort provided the youth with a means to learn sportsmanship and character. Coach Oaks gave the children of the neighborhood a different outlook on life. He gave an example of standing strong to the children and taught them to keep on swinging even when everyone else has given up;

WHEREAS, when friends and colleagues suggested to Coach Oaks that he throw in the towel, he used it instead to clean off first base. Coach Oaks provided transportation to those children who could not get to a game. When more funds were needed, Coach Oaks reached into his own pocket. Coach Oaks was there always to assist;

WHEREAS, when other teams laughed at the thought of girls playing baseball, Coach Oaks gave them a bat and the opportunity to try. He taught their teammates to provide encouragement;

WHEREAS, when others laughed at the Little Giants for sacrificing their time to play in the heat and the rain, they played on. When they knew they would lose, they stayed in the game until the end. The children on the Leland Giants team learned to persevere;

WHEREAS, together with Coach Oaks and the Little Giants held on where many others would have given up. Thus



together they helped bring the Little League Baseball not only back to the Pleasant Valley neighborhood but to the Perry South Community as a whole. Due to Coach Oaks' efforts, the community can look forward to building a positive relationship with the city and the Greater Northside Athletic Association.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Coach Darryl Oaks for teaching the youth of the North Side that success comes from striving to overcome whatever odds are set before us. Council commends Coach Darryl Oaks for helping children to understand that real success comes from hard work and refusing to give in to adversity.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Darryl, I just want to thank you because I know that the community has been trying to provide opportunities and alternatives to the children just hanging in the summer. We probably have one of the best complexes of city fields, right on Charles Street that were going unused because, for some reason, the organization just disappeared over the years, and you have taken the first step to bring it back; and as we grow off of that, I want to thank you because without you, I don't know if this would have ever been started. Thank you very much.

**Mr. Oaks:**

I would just like to say "Thank you, Sala, and my kids." They are not all here. These are just a few of my kids. They are not here because they are participating in other organizations. Everybody brought this together. It is what we needed. It is where I started and where I will end it. Thank you.

**The Chair:**

Thank you and congratulations. I believe Councilman Onorato has another one to be read into the record.

**MR. ONORATO PRESENTS:**

No. 2166 WHEREAS, on July 6, 1997 Sheptytsky Arms, Inc. celebrated the tenth anniversary of its existence; and

WHEREAS, on this important day, residents, family members, officers of Sheptytsky Arms, Inc. and public officials celebrated ten years as an organization which provides housing, care and concern, recreation and social activities for the low-income, elderly residents of the City of Pittsburgh; and

WHEREAS, the idea for this venture was originated by Reverend Wasyl Dzydzora, the former pastor of St. George Church, Mr. Stephen Watchek and Mr. John Smith; and

WHEREAS, Sheptytsky Arms, Inc. is a fifty unit HUD facility that benefits low-income aged and handicapped tenants by providing shelter, recreational and social activities as well as love, attention and concern.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Sheptytsky Arms, Inc., its President Monsignor Appleyard, Manager, Sister Dennys Polovischak, Secretary, Sister Consolata Trudick and all of the individuals whose time and energy has enabled the dream of providing senior housing to low-income residents a reality at Sheptytsky Arms.

MR. ONORATO moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:

No. 2167 WHEREAS, on May 10, 1910, four religious leaders in Pittsburgh approached Robert L. Vann to draw up papers of incorporation for a weekly newspaper for Pittsburgh's growing African-American community. The leaders wanted Vann to be involved because he was a prominent lawyer and had experience as a journalist on other African-American publications in Pittsburgh. Since they did not have enough money to pay Vann, they gave him ten shares of stock in the new venture. This was the beginning of Vann's relationship with the Pittsburgh Courier. Soon, in addition to serving as legal counsel and treasurer, Robert L. Vann became the editor, and eventually the owner of the Courier; and

WHEREAS, Robert L. Vann developed a strategy for launching the Courier that made it the most successful

African-American newspaper in the country. He used the newspaper to crusade for social issues concerning the African-American community; and

WHEREAS, through the Courier, he campaigned against Jim Crow laws, and discrimination against African-Americans in major league baseball and the armed forces. Robert L. Vann also made sure that the Courier was taken into the South, for in some localities Black citizens were prohibited from reading Black publications. The Courier had the largest circulation of any Black newspaper in the country. More than 300,000 copies of each edition were sold; and

WHEREAS, Robert L. Vann was also active in politics and in 1933 was appointed Special Assistant to the Attorney General of the United States, making him the first African-American to receive such a high level job; and

WHEREAS, in 1901 Robert L. Vann graduated valedictorian from Waters Training School in Winton, North Carolina. He was an eloquent speaker and delivered his valedictory address entitled "Launched but Not Anchored". When Robert L. Vann wrote this speech, he did not know that he would be a crusader for equal opportunity for African-Americans across the nation.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares Sunday, July 13, 1997 as Robert L. Vann day in the City of Pittsburgh.

MR. UDIN moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you very much. That concludes our read and adopted. Moving to presentation of papers.

**MR. COHEN PRESENTED:**

No. 2169 Resolution providing for a contact from time to time in connection with the demolition and removal of condemned building and for providing for the payment of the cost thereof having the cost not to exceed \$50,000.

Which were read and referred to the Committee on Public Safety Services.

**MR. HERTZBERG PRESENTED:**

No. 2170 Councilman Hertzberg presents a resolution providing for an agreement of lease with Baker Young Corporation for space together with the right to use in common with others the common areas in the Manor Building, located at 546 Forbes Avenue at a term of one year.

**MR. HERTZBERG** moved to suspend Rule 8 by providing for consideration of the bill until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

Also,

No. 2171 Resolution providing for the letting of contracts during calendar year 1998 for the maintenance, rental, rehabilitation, renovation, inspection or servicing of personal property and for the maintenance and repairing of buildings, structures or any other properties and for any miscellaneous services. Estimated cost will be in excess of \$10,000; and to purchase without advertisement of such materials, et cetera. Estimated cost will be less than \$10,000.

No. 2172 Resolution providing for the letting of contracts and use of existing contracts for the purchase of materials, general supplies, and equipment by various departments of the City of Pittsburgh during the calendar year of 1998. Estimated cost will be in excess of \$10,000 and to purchase without advertisement such materials. Estimated cost will be less than \$10,000.

Which were read and referred to the Committee on Lands, Buildings and Procurement.

**MS. McDONALD PRESENTED:**

No. 2173 Resolution approving the redevelopment proposal dated July 7, 1997 including modification #1 to the redevelopment area plan for redevelopment activity in a portion of redevelopment area #51, Federal North in the 22nd and 25th Wards.

**MS. MCDONALD** moved to suspend Rule 8 by providing for consideration of the bill until or after the 8<sup>th</sup> calendar day following the meeting in which the bill

was introduced so the bill will be on the agenda this Wednesday.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

Also,

No. 2174 Resolution authorizing the URA to acquire all of the City's Right, Title, and Interest, if and to the publicly owned property designated as Block 126D, Lot 121 in the 14th Ward of the City of Pittsburgh. Pittsburgh Housing Construction fund.

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. ONORATO PRESENTED:**

No. 2175 Ordinance enacting a new article under Title 6 of the Pittsburgh code entitled Police Misconduct, a new Chapter 661 entitled Findings and policies and a new Chapter 662 entitled "Independent Civilian Review Board setting forth a composition of an independent citizens review board establishing its functions, providing it with certain powers which will enable an independent civilian advisory board to review and provide advisory recommendations to the mayor and chief of police in response to select complaints initiated by citizens alleging misconduct by the Pittsburgh City of Police Bureau and for the purpose of improving the relationship between the City of Pittsburgh Bureau of Police and community. All subject to certain terms and conditions".

Which was read and referred to the Committee on Planning, zoning and Land Use.

**MR. RICCIARDI PRESENTED:**

No. 2176 Resolution vacating a portion of Mt. Pleasant Road to Beech Street to Larimer Street, Pennford Street to Essen Street, Hazlett Street ending at the end of the property and the entire length of Chicago Street and the 26th Ward.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. UDIN PRESENTED:**

No. 2177 Ordinance enacting a new article in under Title 6 for the Pittsburgh Code entitled, "Citizens Police Review Board setting forth its composition providing it with broad powers to investigate and study police policies and behaviors and establishing its functions all subject to certain terms and conditions."

**(SPONSORED BY COUNCIL MEMBERS UDIN, FERLO, MCDONALD AND COHEN)**

No. 2178 Resolution further amending and supplementing Resolution 1016 effective January 1, 1997 entitled, "Making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year beginning January 1, 1997 by making certain corrections."

No. 2179 Resolution further amending and supplementing Resolution 1017 effective January 1, 1997 entitled, "Fixing the number of officers and

employees of the City of Pittsburgh and the rate of compensation thereof and setting minimum levels for designated positions by making certain corrections."

No. 2180 Resolution providing the authorization to make all legitimate expenditures for agreements with various agencies for job development and employment services, wages and fringe benefits for supervisors, participant administrative staff, workers compensation, unemployment compensation, participant's physicals, transportation and copy of supplies, related outreach and recruitment costs and administrative expenses necessary to implement the 1997 neighborhood employment program, Pittsburgh Partnership Summer Youth Employment Program and the Pittsburgh Partnership Employment Program at a cost not to exceed \$825,000.

Which were read and referred to the Committee on Finance and Budget.

**MR. FERLO PRESENTED:**

No. 2181 A petition from the residents of the City of Pittsburgh requesting a public hearing on Council Bill Nos. 2025, 2026 and 2027 concerning the reconstruction of Bigelow Boulevard.

Which was read and held for the purpose of a public hearing.

No. 2182 Resolution providing for a warrant in favor of Lexis-Nexis in the amount of \$1,009 in payment of computer user research services for City Council for the month of June.

Which was read and referred to the Committee on Finance and Budget.

**The Chair:**

On the petition received regarding Bigelow Boulevard, it does not meet the letter of the law under the charter. It is not a valid petition but it's a petition nonetheless, and I think we should respect it. It did come from the citizens, and if there is no objection, I suggest we have a public hearing and I would like to suggest that we have one next Monday July 21st, here in Council Chambers. Cablecast at 10:00 a.m.

**Mr. Ricciardi:**

Thank you for that suggestion, Mr. President. However, I was going to make a motion to recommit the bill nevertheless. Yes, I agree we should have a public hearing but it should not be in these council chambers. It should be parallel to the public hearings that we had the last time where we had test closure. I believe it should be in the Oakland neighborhood, 4th Ward, in the evening hours. So I would like to put that forward if there is no objection.

**The Chair:**

Well, maybe. Let's talk about that. In any event, I think we have to have a public hearing. I think we should obviously recommit the bills.

**Mr. Ricciardi:**

Okay. But when I recommit the bills, part of my motion is going to be a public hearing in Oakland in the evening hours.

**The Chair:**

I have no objection. Any other comments? Okay. Moving on.

**Mr. Cusick:**

I want to be consistent with the position I took Wednesday and all the remarks that I made, and I am voting no.

**Mr. Hertzberg:**

Likewise, Mr. President.

**The Chair:**

Any other discussion? I'm separating out the difference between a petition submitted by the public.

**Mr. Hertzberg:**

I think we knew this was coming on Wednesday. We knew it would be invalid because it was ten days late.

**Mr. Ricciardi:**

I didn't make a motion. My motion will come later on when I recommit the bill, so there is really no vote yet. What we have done is accepted the petition.

**Mr. Hertzberg:**

And there should be a vote on that and I am voting no.

**Mr. Ricciardi:**

Okay. I understand.

**The Chair:**

Actually I was asking for a motion to waive so that we can receive the petition tomorrow at the Standing Committee Meeting.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed with two objections.

**The Chair:**

The bill will just come up tomorrow. In any event, we need to move quickly on a public hearing. The one that will be in Oakland will be a different issue.

Moving to unfinished business.

#### **UNFINISHED BUSINESS**

**The Chair:**

Reports of Special Committees. Any matter to be brought before the body? Just to clarify for the public. You may be a little bit confused because you heard two bills. I believe the Administration, the Mayor, is submitting his own version of a Civilian Review Board which Councilman Onorato has proffered to Council. I do not know if he is necessarily an official endorser or sponsor of that bill as well through Councilman Udin and Councilman Cohen and Councilwoman McDonald and I have submitted a proposed ordinance creating the Civilian Review Board. We have tentatively scheduled a public hearing for next Monday at 2:00 p.m., July 21st. However, I would ask for a review of this issue by the solicitor and the clerk.

There is something in the Charter about if a new unit of government is

created we can take no action on it pending a 30-day notification to the mayor. So we need to clarify that prior to the Monday, 21st hearing date. I just recalled that as I was standing here about to announce the hearing date. In any event, we are going to do this legally and appropriately. We will try to get that clarified before the end of the day. So if you want to call the Clerk's office at 255-2138, we'll let you know when the hearings are; and if there are no objections from my colleagues, I would suggest we hold the hearings on both bills so they can be both be simultaneously discussed and debated. Again, the Clerk's number is 255-2138. By the end of the day, we will clarify this hearing date on the Civilian Review. I apologize for not making that clear. At an earlier press conference, it was stated definitely on Monday. I think we need to review the language of the Charter on the 30-day notification requirement

Moving to reports of Committees.

## REPORTS OF COMMITTEES

### MR. UDIN PRESENTED:

Bill No. 2183:

Report of the Committee on Finance and Budget for July 9, 1997, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2127:

Resolution providing for the issuance of \$8,434.00 warrant in favor of

Jewel Joyce in settlement of claim for an accident in which claimant's sewer backed up in December of '96.

Which was read.

Also,

Bill No. 2130:

Resolution providing for the filing of a petition for the sale of certain properties acquired at tax sales in accordance with Act #171 of 1984, Second Class, City Treasurer Sale and Collection Act.

Which was read.

### The Chair:

You have heard the reading and titles of the bill. Is there any discussion? Hearing none, the bills are ready for final action.

All in favor of passage of the bills, vote aye when your names are called. If you are opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

### AYES:

Mr. Cohen	Mr. Ferlo, President
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin

AYES      Eight      NOES      None

The bills having received the legally required number of votes has been approved finally. Passed.

**MR. RICCIARDI PRESENTED:**

Bill No. 2184:

Report of the Committee on Public works, Water and Environmental Services for July 9, 1997, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2126:

Resolution providing for an agreement with the URA of Pittsburgh to provide for the maintenance agreement reflecting a general storm water management policy in the 20th and 28th Wards.

Which was read.

Also,

Bill No. 2105:

Resolution vacating a portion of Clark Way between Hillsman Street and Roberts and an unnamed Way from Housesman Street to its westerly side in the 3rd Ward.

Which was read.

**The Chair:**

You've heard the reading and title of the bills. Is there any discussion? Hearing none, the bills are now ready for

final action. All in favor of the passage of the bills, vote aye when your names are called. If you are opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Ferlo, President
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin

**AYES**      **Eight**      **NOES**      **None**

**The Chair:**

The bills having received the legally required number of votes have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2185:

Report of the Committee on Planning, Zoning and Land Use for July 9, 1997, transmitting two ordinances and one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1887:

An ordinance amending the Pittsburgh Code, Title 9 Zoning, Section 992.02 zoning district map 8, by changing from R2 two family residence district to RP, Residential Planned unit development district all certain property located at 29th Sylvania Avenue identified as block and



lot 24015K in Allegheny County lot and block system containing 150 feet frontage along the northerly side of Sylvania Avenue, 18th Ward.

Which was read.

Also,

Bill No. 1888:

Resolution approving the conditional use under Section 993.01(a) A(33) of the Pittsburgh Code Title Nine zoning to Beltzhoover Apartment c/o of Action Housing, Inc., for authorization to construct a three-story structure with 23 units of housing for the elderly at 29 Sylvania Avenue with parking to accommodate five automobiles on property zoned RP residential plan unit Development District, 18th Ward.

Which was read.

Also,

Bill No. 1937:

An ordinance amending the Pittsburgh Code Title 9 Zoning District Map 9 by changing from R2, two-family resident district to C3 Commercial district certain properties located east of Sawmill Run Boulevard between Maytide Street and St. Norbert Street in the 32nd Ward.

Which was read.

**The Chair:**

You have heard the reading and titled the bill. Is there any discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of

the bills will vote aye when your names are called. If you are opposed, vote no. Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Ferlo, President
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin

**AYES      Eight      NOES      None**

The bills having received the legally required number of votes have been approved finally.

**MR. CUSICK PRESENTED:**

Bill No. 2187:

Report of the Committee on Parks, Recreation and Youth Policy for July 9, 1997, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2121:

Resolution authorizing the issuance of a warrant in favor of Sheraton Hotel, Station Square in the amount \$9,992.00 for the City Park Senior Interest Program Volunteer Recognition Gala.

Which was read.

Also,

Bill No. 2122:

Resolution providing for an agreement with the Pittsburgh Board of education for the purpose of providing meals for the Summer Food Service Program total cost not to exceed \$800,000.00.

Which was read.

**The Chair:**

You have heard the reading and titled the bills. Is there any discussion?

Roll call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Ferlo, President
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin

**AYES**    Eight    **NOES**    None

The bills having received the legally required number of votes have been approved finally.

**MS. McDONALD PRESENTED:**

Bill No. 2186:

Report of the Committee on Housing, Economic Development and Promotion for July 9, 1997, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1471:

Resolution authorizing and directing the mayor or the treasurer of the City of Pittsburgh to enter into an agreement with the URA to administer and deliver of the Lazarus UDAG Grant and subsequent repayment of all the principle and interest. The bills having reached committee on housing economic development and promotion.

Which was read.

**The Chair:**

You have heard the reading and titled the bills. Is there any discussion?

**Mr. Hertzberg:**

Thank you, Mr. President. I contended and still do contend as a companion to Bill No. 1650, which is the extensive amendment to the historic designation ordinance now to be under a separate chapter known as historic preservation. This went with this went with that amendment because it was intended to kind of soften the regulations that historic designation does by providing some funding for people to make improvements when their properties are in a historic district or it is designated as a landmark; and what it does is takes 2.5 million dollars plus interest that will be repaid under the UDAG Grant and puts it into a pot of money that will be used for improvements and mainly for grants that people who need to make improvements that are in historic districts and or historic designated landmarks.

We are hopeful that this 2.5 million will be matched by the foundation community and we have been getting so far positive feedback what we will be able to do is increase the pot of money that is now used for the Street Face program, which has been very successful and which I think a lot of people see to want to utilize; but also for the first time, use similar funds not only for street face, which is commercial activities, but also now to use it for renovations and improvements to homes that are located in historic districts or homes that are designated as landmarks.

Although the balance of the amendment in Bill No. 1650 is not exactly the compromise that I thought it was, I think we are still ending up with a little bit here. I am not terrifically pleased about it. Nonetheless, I am going to vote affirmatively to this part of the package, and hope that all of Council will.

**Mr. Onorato:**

Didn't we vote already on the UDAG money? It was under the previous committee.

**The Chair:**

Unfortunately, I skipped the committee.

**Mr. Onorato:**

Is that bill up, too?

**The Chair:**

No, just the UDAG Bill is up under Councilwoman McDonald's Committee.

**Mr. Onorato:**

Okay. We're not on Bill No. 1690.

**The Chair:**

We will be shortly. At the end.

**Mr. Udin:**

Yes, Mr. President. I'm not certain what effect the council's vote regarding the historic preservation bill will have to the UDAG. It is kind of the cart before the horse because it's setting aside money to make grants for historic preservation. That is one question I have. The second question I have is, whether or not -- I would like to receive an opinion from the solicitor that the use of such an urban development action grant is appropriate for historic preservation in the way that it is being intended. Those are my two questions and request.

**The Chair:**

We can seek an opinion, but I hope we will go ahead and vote on the bill. The resolution actually allows the mayor and the treasurer to enter into an agreement with the URA. Obviously that agreement would have to be legally binding and appropriate based on the HUD guidelines involving the UDAG. But basically, we are creating, enabling legislation, allowing the agreement to be entered into by the principles involved. The principles being the URA Director and Board with the Mayor and the Treasurer of the City of Pittsburgh.

These are interest repayment funds and I wholeheartedly support the bills. I had suggested we use this UDAG

specifically two years ago when we are having a problem with lack of funding for the Street Face program so I was obviously pleased when it came back in the form of an actual ordinance or resolution by Councilman Hertzberg. But I think we can move on this bill today, and obviously any specific agreement would have to be an agreement that meets any federal or other guidelines that are appropriate. But I hope we move ahead today.

**Mr. Hertzberg:**

Just to respond in part. Charles Reeves with the URA did a lot of work on this legislation and it's been reviewed by the staff of the URA, but the important part of this is it's paragraph 2C and it's on page 2. It says: "The fund shall be utilized only for federal community development block grant eligible activities". And that is the restriction that I understand exists and that is set forth in the legislation that the repayment funds must be CDBG eligible activities, but anything that's designated historic by definition is eligible. We did have that checked out before we got here today.

**The Chair:**

Thank you. In any event, I ask the Clerk's office to communicate to the solicitor on this issue; and obviously we would like to receive in the future any promulgated agreement if they would come back to Council for review of that agreement. Any other discussion? Hearing none. Roll call vote on the bills. The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen

Mr. Ferlo, President

Mr. Hertzberg  
Mr. O'Connor  
Mr. Ricciardi  
Mr. Cusick

Ms. McDonald  
Mr. Onorato  
Mr. Udin

**AYES**      **Nine**      **NOES**      **None**

The bill having received the legally required number of votes have been approve finally.

**MR. COHEN PRESENTED:**

Bill No. 188:

Report of the Committee on Public Safety Services for July 9, 1997, transmitting one ordinance to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1650:

An Ordinance amending and supplementing the Pittsburgh Code by deleting Section 513 Historic Structures District 5 and objects Title 10 Building Chapter 107 BOCA Code National Building Code and by creating Title 11 entitled Historic Preservation.

Which was read.

**The Chair:**

You have read the reading and title of the bills. Is there any discussion?

**Mr. Hertzberg:**

Thank you, Mr. President. First, my comments brought forward, and I'm not going to repeat them again. We

discussed this legislation for quite an amount of time, to death, Councilwoman McDonald tells me. So I am not going to rehash that, but there is an amendment that I did promise at the table to the Historic Review Commission Chairman, John DeSantis, that we would specify the time frame in which there would be a moratorium on construction once there is a nomination as a historic district or historic designation. The amendment is in front of you. It prescribes that two business days after the notice is mailed out by the commission so we have a definite time set forth now. And I think it is only fair to an owner that it not be before they actually receive it but when they should receive it in the ordinary course of the US Mail.

**The Chair:**

Is there a second for discussion? There is a substantive debate here that is going to unfold.

**Mr. Cohen:**

Thank you, Mr. President. On the amendment first. I am concerned about this amendment. I haven't talked to Councilman Hertzberg about it. So, Councilman, tell me if my perspective on this you feel is inaccurate; but my concern is that this would give the owner two days in which to get a demolition permit for the property. The beginning of the Historic Preservation Ordinance is very important that when a building is nominated or a district is nominated. Obviously, in this case, a building, that nomination itself frees any demolition or major alteration of that building until Government has a chance to actually debate the issue whether or not it ought to be preserved.

My concern about this, as I read it, and perhaps my reading of it is not accurate, but as I read this, would give an owner or developer two days to get a demolition permit which would mute the entire historical review process. My worry is that this is the Syria Mosque. Obviously, the problem from my perspective and certainly others on Council, particularly Councilman Ferlo, is that the problem with the Syria Mosque was that before there was a chance for a debate on whether or not the Syria Mosque would be preserved, it was demolished. And my fear is that even though it says two business days, that an owner could, in fact, get a demolition permit in two business days.

**Mr. Hertzberg:**

I thought we already enacted legislation at your initiation that would prevent that problem. I thought that anyone who applied for a demolition permit has an automatic 10-day waiting period, at which time this should be determined and they wouldn't be able to get a demolition permit. Isn't there a 10-day or a 30-day notice? I forget what it is.

**Mr. Hertzberg:**

That is entirely separate legislation, but you are telling me that would definitely apply here and that we make it clear that would apply here before any demolition occurs. That is something that I could certainly go along with.

**The Chair:**

Clarify for the body what the intent of why you are suggesting this change -- if you could clarify that.

**Mr. Hertzberg:**

Well, I was asked to give a certain date, that's all.

**The Chair:**

Suggestion from the commission.

**Mr. Hertzberg:**

As it said, we wanted to say that the affected should be after notices the way it was written. If you look at the line through this how the amendment read was after notice. Chairman DeSantis wanted to know how much after notice?

**The Chair:**

Chairman DeSantis made the point however basically, he wanted just a fixed date so they would be clear and the Commission's staff and the suggestion was it would be from the date of the receipt of the nomination as a fixed date as opposed to some of the arguing about whether or not or when necessarily received to you either through the mail or what have you. The idea was to have a fixed date and his recommendation was that it be from the date of the receipt of the nomination.

**Mr. Hertzberg:**

We're just miles apart, Mr. President. Because the whole idea here and the whole amendment that was passed before was that the owner would not be affected until they had notice of the nomination through the ordinary process

which has been amended and specified how notice occurs. That was the whole idea of the amendment. Not that something take place, something occur to an owner. That an owner be impacted with a moratorium before they are even given notice of it. That there is some legal retroactive effect without even receiving notice. I mean that seems to me to be patently unfair.

**Mr. Cohen:**

On that point, I absolutely agree that the owner should be given notice and quick notice, if within that time the owner cannot go in and get a demolition permit. If Councilman Hertzberg would agree to say that the owner cannot, during those two days prior to him getting notice, seek a demolition permit, then absolutely, I am in favor of this. The reason upon thinking about Councilman Hertzberg's statement about my legislation. The reason my legislation, a completely separate piece of legislation that passed a year ago. The reason my legislation doesn't apply is because what my legislation said was that from the time you get a demolition permit, you have to give community groups and adjoining property owners notice before you demolish -- 10 days notice. So it doesn't apply here because the owner could still demolish within ten days and the Historic Review Commission process takes longer than then ten days.

So my fear here is that even though it looks very reasonable on its face, my worry is one of the ramifications may be intended that the owner could get a demolition permit, destroy the building prior to the Historic Review Commission actually having a chance to look at it.

**Mr. Hertzberg:**

I still can't understand how that could happen.

**Mr. Cohen:**

Because you make the nomination. You are saying the nomination doesn't take effect until two days after the filing of that nomination. Within those two days, you can get a demolition permit and take it down.

**Mr. Hertzberg:**

No. You have to wait ten days after you file for a demolition permit.

**Mr. Cohen:**

Okay. Ten days. The Historic Review Commission process hardly gets started let alone completed within ten days.

**Mr. Hertzberg:**

Yes, and two days later this is triggered, so it's within your ten-day time frame and nothing can happen.

**Mr. Cohen:**

Well, if that is, in fact, the case, I will certainly support this. But there is nothing in here that makes reference to that.

**The Chair:**

We should recommit. I don't think we should recommit. We are on a roll. In all due respect, I don't see why we cannot move ahead on the bill. We've had lengthy

debate. Clearly this amendment fundamentally undermines the whole purpose of having the ordinance. It is a smart move but it is definitely obstructionist in nature and I cannot understand why we cannot approve the bill and allow the Councilman to reintroduce the proposed amendment and let it go back to the system of public debate and review.

**Mr. Hertzberg:**

I'm going to recommit. I want to try to keep this thing together. I am going to make a motion to recommit.

**Mr. O'Connor:**

Second on the recommittal.

**The Chair:**

I object to the recommittal because I think this last move is intended basically to undermine the ability for us to move and resolve and bring closure on this bill. If there are any new amendments that need to be offered, I can't understand why they cannot be proposed as separate bills after we resolve this issue. Any other discussion on the recommittal? I strongly ask that we vote no on this.

Roll call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen  
Mr. Hertzberg

Mr. Onorato  
Mr. O'Connor

**NOES:**

Ms. McDonald      Mr. Ricciardi  
Mr. Udin            Mr. Ferlo, President  
Mr. Cusick

**AYES      Four      NOES      Five**

**The Chair:**

The bill is recommitted.

Are there other bills are just that bill on your Committee? That was the only bill in that Committee. It was recommitted.

**MR. O'CONNOR PRESENTED:**

Bill No. 2189:

Report of the Committee on Engineering and Construction for July 9, 1997, transmitting three resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2025:

Resolution providing for an Agreement of Cooperation with the University of Pittsburgh, in connection with the Reconstruction of Bigelow Boulevard from Fifth Avenue to Forbes Avenue; and providing for the reimbursement to the City by the University for its share of the costs of engineering and construction.

Which was read.

Also,

Bill No. 2026:

Resolution providing for an agreement or use of existing agreement under contract for reconstruction of Bigelow Boulevard to Fifth Avenue to Forbes Avenue at a cost not to exceed \$425,000.00.

Which was read.

Also,

Bill No 2027:

Resolution further amending Resolution No. 1018 effective January 1, 1997, as amended entitled "Adopting and approving in 1997 capital budget and the 1997 Community Development Block Grant Program and approving the 1997 through 2002 Capital Improvement Program by creating a new line item "Reconstruction of Bigelow Boulevard from Fifth Avenue to Forbes Avenue".

Which was read.

**The Chair:**

You have heard the reading and title of the bill. Is there any discussion?

**Mr. Ricciardi:**

Thank you, colleagues. After seeing No. 1650 recommitted I know I am not going to have any problem getting these three recommitted. I would like to make a motion to recommit the Bills No. 2025, No. 2026, No. 2027 and also refer these bills to our Councilman President to establish and set up a public hearing in Oakland, 4th Ward, during the evening hours. Thank you.

**The Chair:**



Any other discussion? All in favor?

Which motion prevailed.

**The Chair:**

A one thousand dollar fine for any colleague, like yourself if you don't attend the hearing. That concludes our reports of Committees.

Moving on to motions and resolutions. Any matter to be brought before the body?

#### MOTIONS AND RESOLUTIONS

**Mr. Hertzberg:**

I'm talking to Councilman Cusick. Was that a motion to recommit those bills? Let me register a no vote on that, please, Mr. President.

**Mr. Cusick:**

Also a no vote.

**Mr. O'Connor:**

I just want to mention that this is a very exciting week in Pittsburgh. Starting off with the Convention -- and I'll let Valerie or Sala talk about it -- I think it puts a national spotlight on Pittsburgh; and Saturday night, I think the national spotlight was on the Pirate baseball team. Not only did we have a sell out, 44,000, I think it was the first sell out not on opening day in many, many years. But all the fans were treated to an exceptional game, a no-hitter by Francisco Cordova, and I believe, I am a baseball fan, I'm a sports fan. I get a little upset concerning

just coming in this morning on the radio, everybody seems to put the stadium issue to make it an anti-Pirates issue and I believe we ought to all get behind.

I think everybody in this town is for the Pirates and takes advantage of the exciting baseball that they are producing for all of us right now; and baseball, I think, is alive and well not only in Pittsburgh but all over the country. With that said, I Plant which effects 750 employees and their families. And these are the jobs. They average about \$50,000 a person with a \$40 million dollar payroll. No one knows the exact number between the outside contractors, the suppliers and all the equipment that they buy for that plant. It certainly doesn't affect just Hazelwood or Pittsburgh. It is a regional asset -- this many jobs. We called. I had some pre-notice Friday from two labor representatives actually that work in the plant -- Pat Cardelfa and Bill Steele -- and asked me to meet. They smelled this coming, and everyone we talked to said "No".

I called a meeting along with Councilman Ricciardi. He represents the LTV on the Southside. It was very well-attended. We had actually Jay Costa, Ivan Itkin, Congressman Mike Doyle, and actually a representative from almost every office, Santorum, Specter, Bill Coyne. Everyone was represented. The Mayor's office, Steve Leeper and we had a meeting with the Deputy Mayor on Friday. To our surprise and shock, we were notified one hour before our meeting that the plant would be closing. I am bringing this up. I am sure it is all over the news.

There are two avenues we can pursue. One is certainly to try to save the

plant and what came out of our meeting was a commitment by all elected officials to support trying to keep the plant open. One of the avenues is that we have asked the LTV and I am asking them publicly to release the engineering study that put the nail in the coffin. This is what they are going by.

Six months ago, I was in the plant talking to the plant manager and everyone was under the impression this would certainly be around for five or six years. We knew it wouldn't last forever. With that engineering study, the rank and file, and these are the people who the LTV have given credit to keep this plant going much longer than it's normal life -- can come up with a plan with a reasonable cost to fix the batteries and meet the EPA regulations. We are asking for that engineering study so that we can offset that and come up with a plan. That is our only hope to keep the plant open.

The second avenue we will pursue, and I hope and I urge the Mayor and the Governor's Task Force, who was, by the way, represented at our meeting yesterday, they will have to build a new coke plant someday in the next four or five years. They need the sophisticated material and studies. The equipment is not available now to build what they want to build, but it will be in the future and we would urge them to consider Pittsburgh, not just to consider, but we feel we should be first.

You know, LTV ten years ago, was bankrupt and it was on the sweat of the employees of this region that brought them back. I think they owe Pittsburgh not just a little bit, but a lot; and not just the 750 people that work there but the thousands who worked there before them. So we are

urging those two initiatives to go forth and I am urging every elected official, every business leader, every community leader, so let's give at least the effort we do for our sports teams and I am one of the leaders of that effort, to keep those teams here. I expect everyone in this region to get behind this and work very hard to keep the plant here, and if that fails, to make sure the next plant comes in this region.

**Mr. Onorato:**

Thank you. I want to say I support Councilman O'Connor's Comments, but I can't help but to look at the irony of this headline in the paper today. "Steels Final Breath" on the front page headline and to the left "Ozone Action Day". Boy, if that isn't irony.

The EPA is somebody's advocates in this region better wake up! We are talking about an ozone action day. They better have Soup Kitchen Day real soon if we don't realize what the hell we are doing to the industries here. This is out of control. Senators and Congressional Delegation are out front right now speaking on this issue. Everyone knows in this country and especially working in these mills, that we are closing these mills to mills that this country built overseas after World War II. We have plants that were built at the turn of the century that they haven't seen a penny going back in for reinvestments from these companies or our government helping out and teaming up with the companies to develop new industry here and modernize the plants. I am as big a supporter of free enterprise as anybody in this country. However, when you see the United States Government pour in the millions and millions of dollars into Japan and Germany and all those

countries after World War II and we are competing with plants that were built in the '50s and our plants were built at the turn of the century and our solution now in 1997 is to turn our back on the steel industry and on these workers who helped build this region, just because the plants are old, is outrageous

We should hear from the Congressional Delegation of this region, the Governor's Office and what they are going to do for a partnership with government and the industry and what the infrastructure we're going to keep here for producing manufacturing goods. We can learn from Cleveland, once again. If everyone recalls, the great demise of the steel industry in the late '70s, early '80s in this town. It happened in Cleveland, too, but there was one big difference. Pittsburgh tore down the mills. Cleveland shut the doors, but then there was a rebound later in the '80s. Cleveland reopened the doors; Pittsburgh had brown fields to deal with. We didn't have the plants and that is why their manufacturing is back up and operating at a lot larger capacity than we have here because we eliminated capacity. We destroyed the plants and our solution is to tear them down. The people could criticize the unions as much as they want. This is more of a managerial nightmare than anything else.

We all know what a lot of money is going out on the top end of the executives around here of some of these corporations. But I would like to see what kind of money is being committed back into these plants to modernize these plants in the last fifty years. I don't see anything. If you look at the little chart in the paper today of when these plants were built, it's

outrageous for us to think that these plants could compete against modern technology. But once again, it appears that this region, and I am talking about the elected officials from the Federal Government down is ready to accept the fact that well, it cost too much. It would be cheaper overseas, therefore, let's downsize. That is simply not true.

One thing we have learned over the last few years is that the productivity in this country is so great compared to all the countries that we produce even at the higher wage level at a competitive rate because our productivity is so high. The frustrating part is that you'll have all the radio talk show callers calling in saying the government shouldn't interfere yet. It's exactly what we did for other countries when they needed help. We are now going to close all of our factories to let them take this competitive advantage.

I hope that in addition to what Councilman O'Connor suggested, what I would like to see from the Governor's office, from the United States Senators' Office, from the Congressional Delegation from this region, it's not just one individual, it is all the Congressional delegations from this region. What is the Federal Government going to do? What is Pittsburgh or the United States Marshall Plan for our country? What are we going to do for this infrastructure that has not been touched yet? How much of our tax dollars went overseas 40 years ago to rebuild these countries and we didn't get anything back yet? Why don't we do it here and have our own Marshall Plan to make sure these new factories -- coke plant opens here. You don't hear anything about that except tweaking around the edges.

I don't really care about an engineer's report. I don't really care about the EPA and I don't care about these Ozone whackos telling me it's an ozone day, because we can complain about the air, and this air is so much better than it was in 1945. Tell the 700, 800 workers how they feel now that they can breathe a little bit better but have no money in their pocket. I guarantee you that they there would rather have an extra hanky in their pocket and have a good middle income class wage. This is ridiculous, it is overkill and we are letting a few small interest groups destroy this country and it is about time that some of us speak up.

The EPA should be abolished. As far as I'm concerned, some of its advocates in this region should be ashamed of themselves, clapping their hands and telling us not to turn our lawnmower on because of an ozone action day. Well, thanks a lot to those 800 families now that cannot feed their kids.

#### **The Chair:**

I have to primarily take exception to way you characterize the debate now, and I do want to respectfully disagree with you. I resent the fact that we spend billions of dollars for Stealth bombers. I resent the fact that we spend billions of dollars and we got a U. S. made robot on Mars, but for some reason we can't have clean air and union paid prevailing rate jobs in the City of Pittsburgh included at the J&L. So I look at it from a different of view.

Why can't we dedicate the resources in this country to sustain prevailing rate manufacturing jobs and still maintain clean and environmentally sound

standards for our region and the and public. See, I don't see a contradiction between the two, and, in fact, the union official, Lefty Palma, was on the radio this morning. I heard him, and he stated it is not even an environmental issue; and he took exception to Commissioner Chairman Dunn's characterization -- kind of a quick shot -- oh, blame the EPA. That is the reason why the plant is closing. I just don't agree with that.

There is a need obviously to meet guidelines now and into the future, and there is a need for recapitalization and upgrading of the plant, and there is a need for that company to decide whether or not they take a quick hit and give it to the stockholders or whether or not they reinvest in plant upgrades with the support of the union and the work force. They have chosen not to do that as they have done consistently over the last thirty years. I think we should historically designate that mill so it can't be torn down or demolished or changed in any way until we have a planning process underway because I think the union and every level of government including the feds on down, as Councilman O'Connor suggested, needs to be involved in a process over the next few months to talk about the manner in which coke can be continued to be operational. Our understanding is that three of the ovens are okay. There is one that is bad and it needs upgrading and the union says it can be done for 20 million dollars.

You know, I think we need to explore all those options again. It's a tale of two cities. Everybody rushes and trips over themselves, if it is the Pirates and they are going to leave town, but there is not that kind of same emphasis about

manufacturing. We always talk about the multiplying effect of the Pirates, which to me is a bunch of baloney because basically it is disposable income that is going to spent elsewhere on some other entertainment, value or venue.

But here, we are not just talking about 750 jobs. We are talking about a tremendous payroll and commerce activities and probably several jobs directly and indirectly related to every job that is being lost at the Hazelwood Plant.

So, if we want to talk about a multiplying effect, I think we can clearly see up in the region and in Pittsburgh in ways innumerable. So I think we need a concerted effort, and I think, obviously, union leadership needs to be involved to some extent. But I don't think we should allow them to dismantle this plant or just run away or just leave town without a fight; and I don't think it should just be the working people of that community out there fighting by themselves. I think they should have the full force and weight and resources of government, especially locally. If we have to look at eminent domain, if we have to look at trying to take over all or part of this plant or whether we look at an employee stock ownership program or talk to the Steel Valley Authority folks we bought into. I know Councilman O'Connor has worked with them in the past. Anything we can do. This is not just a propria issue in Hazelwood. This is an issue that's really vital.

Manufacturing is still a significant part of our economy in Pennsylvania and in Pittsburgh, and it's about time good, old Governor Ridge started shaking a leg out here in Western Pennsylvania starts

showing some support. He came from Erie. You would think he would remember the fact that he came from Western Pennsylvania. I think he's lost in the shuffle over there in Harrisburg, PA. He needs to get back out in these communities. He should, himself, convene a meeting down there in Hazelwood with Councilman O'Connor and Councilman Ricciardi's support from the South Side, and we need to put together a strategy. But there is no way we should allow this steel company to just up and leave now and yet close another plant. And this is not a City Council twenty years ago. So they are going to have a fight on their hands at least with this Council. And it may be inevitable that the plant has to close. I don't think it is. I think before we can come to that conclusion, we have a responsibility to do everything that we can do to exhaust any avenue that we can exhaust, explore any possibility for keeping this plant operational. And we should spend as much time on this as we do worrying about the Steelers and the Pirates.

**Mr. Cohen**

I agree with most of what you said and I think we all have to roll up our sleeves and get to work. I commend the Mayor and Councilwoman O'Connor, both of them for already taking steps to try and keep that plant here. It would be a terrible, terrible loss, not only to those 750 families, although those are primary, but also manufacturing is the only source of industry that brings wealth into our region.

Absolutely. It beats service. It beats sports teams. It beats everything. It brings wealth into our region and we cannot sit back and allow this to happen.

So I would like to join with you and Councilman O'Connor and the Mayor to try to keep that plant here.

If, in the end that is not possible, then when we talk about moral obligation. As far as I'm concerned LTV has a moral obligation that if they are going to reopen or build a new coke plant, and my understanding it that they are saying that they will. That they build that in Pittsburgh. Companies have moral obligations, too, and they have a moral obligation, as far as I am concerned, to either keep that plant open or to build their new coke plant in Pittsburgh, an obligation to those 750 families and an obligation to the Pittsburgh region that has served them so well over the years.

So, we'll work with them, certainly work with them on real estate and work with them on providing a committed and dedicated work force, which Pittsburgh can provide better than any region in the United States of America. We will work with them on anything, taxes, if necessary. But they have a moral obligation; and I would like to see them sit down with us and express that moral obligation. Thank you.

**Mr. Hertzberg:**

I support Councilman O'Connor and everyone else's comments. I think what should be triggered by this announcement is the plant closing legislation that imposes a moratorium, and that the scheme behind that is to try to work something out during this interim period before the actual closing can occur.

The Employees Stock Ownership Plan or ESOP sounds like, without

knowing all the financial aspects, but it sounds like something that needs to be explored and that, was, of course, the idea with the plant closing legislation that there would be time to explore something like this. But Weirton Steel has been the great success story, and you talk about the high salaries of the executives and everything that the basic employee says is wrong and why you are losing money and why your prices are so high, and then you go into a employee stock ownership plant and finally these ideas are allowed to be implemented and a lot of times it's very successful, and I'm hopeful we can work on that, and I'm hopeful that we will look to some of the financial resources that we have pumped into. Other new facilities including the GAIT facility in Hayes and that we will make this as high a priority, if not a higher priority, then the GalTex Plant in trying to work this out somehow. I'm hopeful that we can all get together and not let this place close down. Find a way for the employees or someone else to purchase it.

I think if management makes that decision, and if management did what Onorato said it did, which is just use the heck out of the facility, not reinvest in it, and when it is to the point where it needs the big dollars, just bail out on it. Other than the legislation we have that requires advance notice, there is not much we will be able to do about it. I mean, as long as we have the form of government that we have that allows free enterprise, that allows big companies to run them as they please subject to whatever collective bargaining agreement but we are going to be stuck with their decision in the end unless we can work something out to acquire this plant some other way, which I think would work better for them. They

are not going to be in better shape by going through the demolition process and all the costs of that as compared with the potential sale of the facility. Some new entity, so I hope powers that are out that have expertise on this will get together and I hope I will have the opportunity on the Board of the URA or here on Council to try to find some way to make this work.

**The Chair:**

Other discussion?

**Mr. Ricciardi:**

Thank you, Mr. President. I have listened very closely to my colleagues, and obviously I look forward to a spirited debate in the future, but also it's time now to be very productive in our actions.

First, I want to thank Mr. Bob O'Connor for initially setting up the meeting and working very closely with Steve Leeper, and I think we have set a plan of action. We have always talked about challenges in this region and we have always talked about partnerships, and this is a time for everyone to come forward and actually we can grade -- can we have partnership here?

For example, when it came to closing military bases, federal officials stepped forward. When it came to exempting federated investors from the business privilege tax, Harrisburg officials came forward. When it is coming to exempt all computer services from the sales tax, Harrisburg came forward. When it is regarding the stadium, The Pittsburgh Regional Alliance is coming forward. When it was Alcoa and Lazarus, the county, the city and the school district all

came forward. We are really talking about a very productive job as Mr. O'Connor stated. We are talking about a 40-million dollar payroll. \$840,000 union jobs plus benefits. Not counting the 100 management jobs in terms of foremen, the vendors, the contractors, summer jobs. We are really talking about a great impact not just on the region, but if you take it down to the lowest factor and that is livelihood of individuals.

Now it is time for all of us, I believe, to come together at the table. I mean, we have come up with some innovative programs like the TIF (Tax Incremental Financing). We have come with other innovative programs. Why can't we come together on this? I think that is going to be very important. I'm very pleased, though, that we are not falling into the trap or the total trap regarding clean air, because Dr. Dixon -- Mr. O'Connor will talk about this also -- Dr. Dixon was there. He stated that he has worked very closely with the plant. They have been fined very, very seldom. The EPA finally came in and I think they were fined two times for \$10,000. On this type of business, \$10,000 is not much, so I am very pleased in respect to Lefty Palma speaking up. It is going to go down to the economy. Economics. And Mr. Cohen, of everything that was stated, I think Dan Cohen has touched on it. Moral obligation.

Years ago when LTVS was in bankruptcy, it was the workers that stepped up to the table and gave back the concessions; \$3.00 an hour, other benefits, huge concessions in order to keep the company going. The bottom line is -- and the company will even admit this -- their money on their return -- their rate of return

is now about seven and a half percent. That is for a million dollars of investments. So they are just stepping back and saying, "Not the four or five million dollars -- do we want to put 100 million dollars into the plant to continue to upgrade these five batteries that house approximately 350 ovens when we can use that money elsewhere as they have been showing they have been investing in other types of businesses and actually buy our coke.

So it goes back to moral obligations. What we have to do now, as Councilman Hertzberg has stated, our system, which is well respected -- free enterprise -- well, we need to do it. Can we help LTV improve on their seven and a half percent return? I don't have the answer obviously right now but we need to come together.

What we asked was that under Mr. O'Connor's fierce leadership, the union has asked for three months all the information from the consultants and from LTV that they have not provided. They have agreed and committed to that meeting, correct Mr. O'Connor, to provide that information. We now have to look at that information and see what is legitimate and what is not. What can be discussed. What's controversial and what is just pure baloney. We have to see that. Once we see that, we see where we are at. Then we can work on, hopefully, this partnership, but let's challenge all of these groups and let's come together.

I never lose fact of my position as a Councilman and what I can do and what I cannot do; and I also know the role I need to play in this type of adventure, but without all of these other entities, all these

other government bodies, and all these "so-called leaders" we are not going to move forward.

So that is what I am calling for, a very productive, hopefully, dialogue, but also, I am going to support the union. The union has contracts. They have agreements. They just cannot shut down and go -- and I'm going to support the union through the court process, because hopefully, we can convince them to stay. It goes back to moral obligations. It goes back to us all coming together and helping them upgrade or increase their profit to seven and a half percent, and it all gets down to it's great and I'm sure everyone is going to be trying to take their position and position themselves correctly, but more important than that, and I am not talking about this body -- everyone -- more important than that -- we need to come together. I don't want to hear, the county officials and city officials talk about -- well, maybe we should see what we can do with this land. Well, I think we should talk about retraining. That is just like throwing up the flag. It almost gives me a feeling that there were back room doors or they are hoping that this plant closes. I don't want the vultures to come flying over that property saying, "Wow! It's great property.

Let's talk about homes. If nobody can afford that housing or those homes because they don't have jobs, we are not going to sell those the homes. Let's not talk about what we are going to do with the property or the retraining of the workers. Let's go through a very productive process. Thank you.

**Mr. Onorato:**



I just want to clarify. I think, Mr. President, that you mischaracterized my positioning on this. And that is, one, I said very clearly that I think this company should reinvest in this plant and they should modernize just like we have done over in Europe. And I do want to point out that it isn't the system of our government that does not work. We have the same system of government in the '45s and the '50s when we went over to Japan and Europe to rebuild. So, it is not our system. Our government has shown that it will partnership with private industry to rebuilding. We just don't do it for ourselves. We do it for everybody else. And the issue of ozone I have to be very clear here. This is going on right now in Congress. There is a major debate to extend the regulations of the EPA.

You have the Democratic delegation -- the majority of them in this region opposing those changes. Congressmen Klink and Doyle are saying that it would kill the manufacturing industry in this town. So this is not again just throwing this up. There is a legitimate debate going on right now, and I support those Congressmen and anyone else down there that are saying "Wait a second. EPA might have been good up to this point in cleaning the air". I am not saying going back to 1945 standards. I am saying in 1997 we're clean now compared to what we were and where we came from. Let's not strangle ourselves with regulations. They are fighting to stop these amendments because they know the districts they represent and they know that these industries cannot afford the strangulation and that we have to have a balance. We have to have clean air, as you say, Mr. President, but at the same time, recognizing if you have manufacturing you

are going to have some kind of chemicals going into the air. That is just a fact of life. So we cannot be hypocritical here. If we're going to support union jobs that are in manufacturing, we also have to recognize that no matter how many laws the EPA has and how many regulations they have, you cannot eliminate it. It's a balance and I think we have a pretty good balance right now. But they do not want to stop there. They want to amend it again. They want to make sure they kill manufacturing in this town, and I'm not going stand by and pretend that the EPA is not doing that, because they are doing it. The Congressional Delegation is fighting them and I applaud them and it is ironic that it's the Democrats this time. They are saying "Enough with the amendment. You are killing the industry here".

Finally, I would hope that the main thing that happens here that we don't have an immediate demolition of the facilities. That is a mistake we made in the early '80s. We cannot do that again because no matter what happens, even if it takes an extra month or two, if the facility is there, it can be reopened. We cannot let this thing be torn down, because if it is torn down, then it is over and then you have your debate over what we are going to do with the land.

One final comment about the rules and regulations that these industries are dealing with. It took recent changes in the last two years from the Republican Ridge Administration change what Broadfield legislation looks like in the state to allow us including the private sector. Now we are starting to see once again a reasonable balance, not to turn the clock back all the way but a reasonable balance and that is what I'm asking for and looking for.

**Mr. O'Connor:**

You bring up some very good points, and what came up in their announcement, LTV was clear that they would tear down right away and we'll leave you a nice flat land. Now that you think back on it, tearing it down kills it, and not only that, and I don't know if you are referring to that, but 20 years ago when they were tearing these down, we, the taxpayers of Pittsburgh and the region, got stuck. Even if it was federal money to clean up these plants. We won't let that happen again. It is their responsibility, the owners of the plant, to clean it up. No matter what happens. So, I applaud your efforts, your comments. I think it is very important that we keep the facility there and not let them tear it down, whether we make it historic and also lean on them. That we are not going to eat the mistakes and have to spend all that money cleaning it up. There was one other plan and it is funny that LTV ignored it. One of the plant managers presented them six months ago thought that they could meet the EPA standards and keep the plant running.

These are the type of good old American ingenuity between the managers and the workers wanting to keep the plant there. They have come together.

One other interesting thing, you learn a lot when you go and talk to the people that work there. When they had a problem about two years ago, they had to shut it down about two years ago. They had to shut it down for a short time, so LTV bought coke from China, of all places, but it was such poor quality that it ended up burning up a blast furnace and they had to replace a blast furnace in Chicago. So these are all the things that

should be looked into. They talk about unions and pays, but from what I understand, and this is all across the steel industry. This is one of the highest quality coke plants in the country. And that is why they have kept it open almost 10, 15 years past the life of some of other ones. And one last comment. On EPA, with Senator Specter now getting on board and Santorum, at least they're working to alleviate some of the restrictions. A lot of our problems in Western Pennsylvania are coming from Ohio, Indiana and West Virginia. We're catching all their pollution. It kind of hovers here. And we're paying the price.

So, therefore, I think we do need federal relief and we need their support. Like you say, I think we can have both. But we need help.

**The Chair:**

Thank you, Councilman.

Other discussion? Any other matter to be brought before the body?

If not, this legislative session stands adjourned. Thank you.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
KURT J. SALAC.....Deputy City Clerk

Pittsburgh, PA  
Tuesday, July 22, 1997

#### PRESENT:

Mr. Cusick	Mr. Onorato
Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone. We have a number of honored guests in the audience today. At this time, would you all please rise for the pledge of allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very please to have a young student here this morning, Bobby Hillen. He's from the Beechview community. He's an Eagle Scout. He's here with his buddy, David Herrington, Jr., who's going

to be honored by another colleague shortly. Bobby is 13 years old. He's going to be going into the 9th grade. This past year he was at St. Matthews Lutheran and he is going to lead us in the pledge of allegiance.

#### Bobby Hillen:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation, under God, indivisible with liberty and justice for all.

#### The Chair:

Thank you, Bobby. We appreciate you. We kind of recruited you off the floor here. We want to thank you for being down here today in Chambers. Our Clerk would like to present you with a flag of our Nation and a flag of our City. If anybody doesn't think we're non-partisan and bi-partisan. Bobby is a son of republican candidate for Council in that district.

Thank you very much for being down here today.

At this time, we have a number of guests in the audience. I'd like to call on Councilman Cusick.

#### PRESENTATIONS

##### Mr. Cusick:

Would the Herrington family and Mr. Hillen please come up. We have a

great resolution today. I think it's great to see to our young learning CPR and just getting involved in the things that are really important in our everyday life.

**MR. CUSICK PRESENT:**

No. 2190 WHEREAS, David Herrington, Jr., is a 15 year old resident of Georgia Avenue in Bon Aire a City of Pittsburgh neighborhood. He is a member of Boy Scouts Troop 614; and

WHEREAS, David Herrington, Jr., as a member of Boy Scout Troop 614 is taken cardiopulmonary resuscitation course, CPR, in January of 1997 as part of the program; and

WHEREAS, on Sunday, July 13, 1997, David Herrington, Jr., entered the livingroom and saw his grandmother, Irene Herrington, bent over in her chair in pain. David Herrington, Jr., then called his grandfather for help who, in turn, called the paramedics. The paramedics informed the Herrington's that Irene needed CPR. David, with the help of the 911 dispatcher, to refresh his memory, proceeded to perform CPR on his grandmother; and

WHEREAS, David Herrington, Jr., after checking his grandmother's breath and pulse, gave her two breaths and 15 chest compressions and repeated the cycle until paramedics arrived thus helping to save the life of his grandmother.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby honors and commends David Herrington, Jr., for his actions and quick thinking on July 13, 1997.

**MR. UDIN** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**Mr. Cusick:**

David, I'm sure your grandmother is very proud of you and your parents are very proud of you. I know that we in City Council in the City are proud to have a young man of your statute.

Thank you very much for taking part in such a great thing. Let's give David an opportunity to tell us exactly what had happened.

**David Herrington:**

On Sunday, we set off the day. My grandmother said she wasn't feeling very well. She said she had trouble walking and she was real tired. She came in and she fell asleep on the chair. I figured she was just tired so I just left her alone and went upstairs to watch some TV. The phone rang and she answered it. She called my grandfather in and he called me down to answer the phone. When I came down to go into the livingroom, I seen her slough over and drop the phone and fall forward. I called my grandfather in and he said call 911. We rolled her over and we checked for a pulse and her breathing and we didn't find any. The 911 operator instructed me to start CPR because they asked if anybody in the household knew it. I started CPR with two breaths and 15 compressions and repeated the cycle until the paramedics got there. When they got there, they took over from there.

I'd just like to thank the Council for the award and the Boy Scouts for providing me with the course and everything. I'd just like to thank my parents for keeping me in Scouts.

That's about all. Thank you.

**Mr. Cusick:**

Thanks David.

The gentleman had brought the story to me and really the reason probably why we're down here today celebrating, not only the good things that you did for your grandmother, but her life is Bob Hillen. Bob, would you like to say a few words. Bob is also a leader in the Boy Scouts and I'm sure the Boy Scouts are very proud.

**Mr. Hillen:**

With boys such as David going through the scouting program, we'll have a group of fine leaders to lead this country in the next century. I would like to take this time to make a pledge for boy scouts. All the parents need to encourage their kids to participate in organizations such as Boy Scouts to build moral values into their kids. This world can't exist without kids like David. So, he really needs to be congratulated at every corner of his life.

Thank you.

**Mr. Cusick:**

Mr. Herrington and Mrs. Herrington, David's mother and father.

**Mr. Herrington:**

I'm very proud to have a son like David for what he's done. I'm very proud of him and I thank him. He's a wonderful son and I appreciate him.

Thank you.

**David Herrington**

For us, I think it was about a six hour course. They had to kind of speed up the process because our meetings are only so long. But, usually I think it runs about 8 or 9 hours for the whole course, maybe even into over two days.

**Mr. O'Connor:**

That was a well investment. Congratulations and thank you.

**The Chair:**

Thank you and congratulations.

**Mr. Hertzberg:**

May I ask Tom Jones, the Executive Director of the West End/Elliot, joint project to step forward. Once again, he's not a stranger in Council Chambers. We have a resolution in support of another proposed project. This one in the heart of the Elliot business district. I'll read it in a couple of seconds.

I would like to thank Tom for all his hard work. I also want to thank the Mayor for this particular development which would replace the old West Lake School which is one of those buildings that have just been sitting there as an eye sore. Year after year you look at it and you wonder if anything can possibly be done with it. The Mayor was attuned to that

fact and actually prompted Tom and said, when is that school going to come down. We've been able to get together with the URA and work on getting the school down. Hopefully, we'll have a new senior citizen housing facility there in the near future.

This is a resolution in support of that plan.

**MR. HERTZBERG PRESENTS:**

No. 2191 WHEREAS, the need for housing for the elderly is overwhelming in the City's 10 southwestern neighborhoods; and

WHEREAS, in these neighborhoods, according to the 1990 census data, 23 percent of the residents are over 62 years of age and 54 percent of the households fall into low to moderate income category as defined by the Federal Department of Housing and Urban Development; and

WHEREAS, currently only one senior housing project with 72 units and one 44 unit building currently under construction serves this large elderly community living in the southwestern area of the City; and

WHEREAS, the proposed Westlake apartments, elderly housing project, at Lorenz Avenue and Crucible Street in the 20th Ward, which is being sponsored by the West End/Elliot Joint Project Inc., in cooperation with Action Housing Inc., and the Urban Redevelopment Authority of Pittsburgh would add 28 more units of housing for low to moderate income elderly citizens to

serve the city's southwestern neighborhoods; and

WHEREAS, plans for the proposed Westlake Apartments elderly housing projects include the demolition of Westlake School, dilapidated structure that is now contributing to urban blight;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh strongly recommends this elderly housing project to the Urban Redevelopment Authority of the City of Pittsburgh for approval as a 202 HUD Elderly Housing project.

**MR. COHEN** moved to adopt the resolution.

**MR. CUSICK** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Thank you, Members of Council.

Mr. Jones, congratulations.

**Mr. Jones:**

Thank you very much for this. It was two years ago that I stood before Council for the Elliot Heights project a resolution that was sponsored by Councilman Hertzberg and Councilman Cohen. About a year, I came before Council just about this time for a zoning change and that was approved as well. I'm pleased to inform Council that this project is now under construction and should be completed in about 10 months.

As you know, these funds are highly competitive. There's no assurance whatsoever that we'll be able to obtain them. But, I certainly appreciate the support that Council has given for elderly housing and the support of Alan Hertzberg, in particular, and the Mayor for encouraging us to go ahead and go for these monies. So, hopefully, we'll keep our fingers crossed and get them.

Thank you very much.

**MS. MCDONALD PRESENTS:**

No. 2192 WHEREAS, on July 18, 1997, "East Liberty Alive" will present the Renaissance City Winds with soprano Denareus Cooper in a musical program commemorating the National Negro Opera Company and its founder, Mary Cardwell Dawson; and

WHEREAS, the National Negro Opera Company, founded in Homewood under the direction of Madame Mary Cardwell Dawson, operated between 1941 and 1960. Many black signers were trained in this company and went on to significant careers because of the important experience that it provided to them; and

WHEREAS, the Company's productions are an important part of Pittsburgh's cultural history, and the purpose of this program is to keep alive the memory and accomplishments of this company, particularly among the city's African-American residents; and

WHEREAS, Demareus Cooper, accompanied by the Renaissance City Winds, will sing arias by Mozart and Verdi from operas that we in the repertoire

of the National Negro Opera Company. Ms. Cooper was a Metropolitan Opera audition winner and has sung many orchestras. She is a graduate of Duquesne University; and

WHEREAS, the Renaissance City Winds has become one of Pennsylvania's foremost chamber music groups since its founding in 1975. In Pittsburgh, the ensemble has presented Music for Neighborhoods since 1989 and a subscription series at Carlow College since 1978. It has also received many national awards.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates and thanks Mary Cardwell Dawson for her contributions to the Pittsburgh community. We also commend the Renaissance City Winds for its consistent service to the community.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares Friday, July 18, 1997, as Madame Mary Cardwell Dawson Day in the City of Pittsburgh.

**MR. COHEN** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevails.

**The Chair:**

Councilman O'Connor on behalf of all our colleagues.

**Mr. O'Connor:**

I have a Proclamation on behalf of the Korean War Vets on behalf of all Councilmembers.

Will Ed Stevens and Burt Siminaris (Phonetic) come up. Ed is the founder and President of the Korean War Vets from Western Pennsylvania and Burt is the Colorguard Commander and First Vice President. There's a lot of exciting things happening this weekend. Actually this is a big year. Hopefully, if God willing, next year we'll be here with a very big announcement. I'll let you tell the people about it. Councilman Onorato and President Ferlo are on the committee with you. We've been on it for a couple years. We look forward to an exciting day next year.

**MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:**

No. 2193 WHEREAS, the Korean War Veterans commonly referred to as the forgotten war, is the fourth largest in the American History with over 54,000 American lives lost; 2,300 of them from Pennsylvania. Through the selfish dedication of service men and women in every branch of the military, U.S. forces secured the 38,000 parallel and assisted in maintaining peace and freedom for South Korea today; and

WHEREAS, public law 104-19 provides that July 27th of each year until the year 2003, the design is the National Korean War Veteran Armistice Day. The law request that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities and to urge the departments and agencies of the United States and interested

organizations, groups and individuals to fly the American flag at high staff on July 27th of each year until the year 2003 and honor the Americans who died as a result of their service in Korea; and

WHEREAS, the Korean War Veterans Association of Western Pennsylvania, Inc., and the Korean War Vets Memorial Fund of Western Pennsylvania are jointly hosting a Korean War Veterans Armistice Day ceremony on July 27th at 10:00 a.m. in the future site of the Korean War Veterans Memorial and Roberta Clementa Park on the North Shore.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and applaud the veterans of the Korean War for service to their country in the interest of freedom throughout the world.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Sunday, July 27, 1997 as National Korean War Veterans Armistice Day in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Ed, congratulations.

Mr. Stevens:

President Ferlo and Members of Council, thank you very much for this



resolution. But, thank you very much for all the work that you have done on behalf of the Korean War Veterans in this area and also for the anticipated memorial that is going to be up and dedicated on July 27, 1998 which is the 44th anniversary of the cease fire in Korea.

Many people do not realize that technically the war still goes on. It's only an armistice, hopefully, they will come to the table and have a peace agreement. In the meantime, we in this area, and especially the help from City Council and the Mayor and the County Commissioners and other dignitaries have made sure that the Korean War Veteran is not forgotten in this area.

On July 27th of this year, the public is invited to attend a ceremony at 10:00 in the morning to honor those who served in Korea, 54,246 Americans died there. There's 8,177 still listed as POW MIA, that's 62,000 young Americans that died in Korea and they should not be forgotten and they will not be forgotten in this area because of your hard work.

What I would also like to say to City Council and I've talked to some members that we would hopefully have City Council in cooperation with the County Commissioners sponsor next year on July 27th, which is a Monday, morning a parade honoring the Korean War Veterans in the morning prior to the dedication of the memorial. I know that's going to happen because there's a lot of interest to see that it will happen.

The memorial itself is one beautiful edifice that will only enhance the area. More importantly, it will say to all around Veterans who have served this

country and those who've sacrificed for this country may be forgotten in some areas, but never in this area. We do very much appreciate all that you have done and all that you're going to do.

Thank you again, very much.

**Mr. Siminaris:**

I would just like to add that we, Korean War Veterans, just as all Veterans, are proud to have served our country. We look at it as not being just part of a national force, but we've served our community just like you all here are serving your community.

Thank you.

**Mr. O'Connor:**

I didn't ask you, but I remember a couple of meetings last year that you were still have problems because of the records. There are a lot of veterans who aren't as well kept as they should have been. Is there a way to get a hold of you or any vets out there that want to stay active.

**Mr. Stevens:**

Actually, Mr. Ferlo had suggested somehow that maybe through television or something that we can put a plea out to Korean War Veterans or their families that they can contact me so that we can find out. It's a shame but in most of counties in Pennsylvania there is a record of all Korean War Veterans. There are over 26,000 in Allegheny County, but there is no record. It's awful difficult that 47 years later, actually when the war started, to come up with a name. So, we're trying to find them. Any help that City Council can

give us through whatever media you might, we would appreciate it very much. Especially since a part of the program of the memorial will be that the one wall we call the Veterans Wall where Korean Veterans and families of Korean Veterans will be able to memorialize their member who served in Korean by having their name on the wall. So, it's very important that we get that information out. Whatever you can do we would appreciate it.

Thank you.

**Mr. Cusick:**

I just want to thank Mr. Stevens and Mr. Siminaris for coming down today and providing, I think here in Allegheny County a great dedication to all Korean Veterans. Especially, being that the Korean War was referred to as the forgotten war, but never forgetting, never forgetting here in Allegheny County the 26,000 people that served in the Korean War.

Myself, as being a veteran, I'm very proud to say that I'm the only veteran here on City Council. I think that these gentlemen and ladies here on Council need to be commended too for also participating and wanting to see this happen. I think last year you saw the allocations that came through City Council to make sure that the foundation, we were able to put some money into the foundation of the memorial. I just want to commit to you this year because I know that there's some troubles that you're having with the foundation and it's going to cost some extra dollars. I'm going to make sure that I set aside some extra grant dollars for you to make sure that this happens. It's an incredible thing, 26,000 people in

Allegheny County served our country and they should never be forgotten.

Thank you for bringing this to us.

**The Chair:**

Thank you all and thank you especially to your hardworking committee that's been working for the last several of years to raise the money and all the other issues that you have to deal with in order to build this important memorial. We want to applaud all of you for your voluntarily work.

Thank you, Councilman O'Connor.

At this time, I believe that the Chair presents one to be read into the record. This is for a gentleman that many of you are familiar with and have worked with over the years. He's being honored by the PCRG Coalition, Mr. Randall.

**THE CHAIR AND ALL MEMBERS OF COUNCIL PRESENT:**

No. 2194 WHEREAS, Edward V. Randall, Jr., Chairman of the PNC Bank Foundation and recently retired president and chief executive officer of PNC Bank has for many years been involved with numerous community and civic activities; and

WHEREAS, under the leadership of Edward V. Randall, Jr., PNC Bank repeatedly received an "outstanding" rating for Community Reinvestment Act performance by the Office of the Comptroller of the Currency because of its fine work assisting community revitalization projects and helping to

create quality affordable housing in the City of Pittsburgh; and

WHEREAS, under the stewardship of Edward V. Randall, Jr., PNC Bank loaned \$15 million, half the total loan package, for renovation of a vacant industrial facility for GalvTech in Hays that resulted in regenerating 75 new jobs, loaned \$2 million of the \$4.5 million construction development costs of Crawford Square II in the Hill District, and loaned nearly \$1/2 million and donated three houses for construction and renewal of homes on the Northside; and

WHEREAS, because of this commitment to Pittsburgh, its people and its neighborhoods, Edward V. Randall, Jr., has won many awards including the Pittsburgh Courier's Equal Opportunity Award for 1969 - 70, the Mon Valley Initiative's President Award for Community Development in 1990, the Minority Enterprise Corporation of Southwestern Pennsylvania's Banker of the Year for 1993, the U.S. Small Business Administration Financial Services Advocate of the Year Award for 1992, the James F. Compton Humanitarian Award from the Vocational Rehabilitation Center in 1995, the Vectors/Pittsburgh Man of the Year for Financial Services in 1996 and the Distinguished James McCoy Award from the NAACP in 1979; and

WHEREAS, the Pittsburgh Community Reinvestment Group is hosting "A Community Tribute to Ned Randall" on Tuesday, July 29, 1997, to recognize and thank Mr. Edward V. Randall, Jr., for his enormous contributions to the Western Pennsylvania Region.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates, commends and thanks Edward V. Randall, Jr., for the tremendous contributions he has made to the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, July 29, 1997 to be Edward V. Randall, Jr. Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much.

That concludes our Read and Adopted. Moving to Presentation of Papers.

MR. CUSICK PRESENTED:

No. 2196 Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to change the name of baseball field Number 4 on Brighton Woods Road to Frank Catralla Field.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

No. 2197 Resolution authorizing the Mayor and the Director of Department of Parks and Recreation to dedicate a

memorial plaque in Hershel Playground honoring Mary Lou Daniels.

**MR. CUSICK** moved to suspend Rule 8 on the Mary Lou Daniels renaming of Hershel Park legislation at the request of Councilman Hertzberg by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**The Chair:**

Those are obviously the Bills submitted to Councilman Cusick, Committee on Parks and Recreation.

**MR. COHEN PRESENTED:**

No. 2195 Resolution providing for an agreement with the Pittsburgh Mediation Center for professional services at a cost not to exceed \$20,000.00.

Which was read and referred to the Committee on Public Safety Services.

**MR. HERTZBERG PRESENTED:**

No. 2198 Resolution transferring the sum of \$93,500.00 from Code Account, Gasoline and Diesel Fuel in the amount of \$20,000.00 and into the Code Account of Miscellaneous Services, Department of General Services.

No. 2199 Resolution amending Resolution 984 effective December 31, 1996 entitled, providing for a contract or use of existing contracts for the purchase

of Energy, Utility and Vehicle Fleet softwares, training and maintenance and related equipment by decreasing the amount from \$155,200.00 to \$255,200.00.

**MR. HERTZBERG** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. CUSICK** seconded the motion.

Which motion prevailed.

**MR. O'CONNOR PRESENTED:**

No. 2200 Resolution providing for an agreement with the Commonwealth of Pennsylvania, Department of Transportation to reimburse the State for the City's share of cost of upgrading traffic signals at three intersections on Second Avenue, at a cost not to exceed \$13,000.00.

Which was read and referred to the Committee on Engineering and Construction.

**MR. ONORATO PRESENTED:**

No. 2201 Resolution amending Resolution No. 755, effective October 19, 1994, as further amended, entitled, Providing for the filing of a community development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1993 CDBG Program so as to decrease line item in the City Council Arc House and to add a line item in the Department of Engineering and Construction Spring Hill Fire House renovations.

No. 2202 Resolution repealing Resolution 526 entitled, Providing for an agreement with Arc House for minor rehabilitation operating and administrative expenses, at a cost not to exceed \$2,000.00.

No. 2203 Resolution amending Resolution No. 149 effective March 8, 1994, entitled, Resolution providing for the filing of a community development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1994 CDBG program by reprogramming funds from City Council to the Department of Engineering and Construction.

No. 2204 Resolution amending Resolution No. 274 effective May 3, 1994 as further amended entitled, An agreement with various community organizations for operational, administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood facilities, at a cost not to exceed \$848,460.00 so as to reprogram funds in various programs and to reduce the overall amount to \$831,572.00.

No. 2205 Resolution amending Resolution No. 377 of 1995 as further amended, entitled, Providing for the filing of a community development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1995 CDBG program, so as to decrease various line items in City Council and reprogram these monies to the Department of Public Works, Chrispen Field Fence and the Department of Engineering and Construction, Spring Hill Fire House renovation.

No. 2206 Resolution amending Resolution No. 950, effective December 22, 1995, as further amended, entitled, Resolution providing for an agreement with various community organizations for operational, administrative expenses and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,190,000.00, so as to decrease funding groups and to add funds to other groups.

No. 2207 Resolution further amending Resolution No. 29 effective February 2, 1997 as amended entitled, Providing for the filing of a community development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1997 CDBG program, so as to transfer \$200,000.00 from the URA line item, Rental Housing Development Program to Public Works and to create a new line item, Graffiti Removal.

**MR. ONORATO** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**MR. RICCIARDI PRESENTED:**

No. 2208 Resolution transferring the amount of \$197,000.00 from various Code Accounts within the Department of Public Works to various Code Accounts within the Department of Public Works.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

**The Chair:**

I know we're waiving Rule 8 on a number of Bills, but I think it was our hope we were asking Councilman Udin to consider, along with Mr. Cohen who chairs Public Safety, if we could have the Civil Review Board Bill and discussion be the first item tomorrow so we can get through that two hour plus discussion. So, let's keep that in mind for tomorrow.

**MR. UDIN PRESENTED:**

No. 2209 Resolution providing for the issuance of a warrant in favor of the Pittsburgh History and Landmarks Foundation in the amount of \$5,000.00 as a payment for a sponsorship in the Bridge Lighting project for the Three Rivers Regatta.

No. 2210 Resolution further amending Resolution No. 911 effective September 11, 1992 as amended entitled Resolution authorizing and directing the Mayor to enter into an agreement with qualified drug treatment programs for drug treatment services by increasing the total amount from \$1,200,000.00 to \$1,500,000.00.

**MR. UDIN** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

Also,

No. 2211 Resolution providing for the issuance of a \$1,600.00 warrant in favor of Charles Smith in settlement of claim for an accident involving a city police vehicle.

No. 2212 Resolution authorizing the transfer of \$100,000.00 from Code Account 46, Judgments, Department of Law, to Code Account Miscellaneous Services, Department of Law.

No. 2212 Resolution authorizing the Mayor and the City Solicitor to enter into an agreement for hiring of Council to assist in the representation of the City of Pittsburgh for outside legal counsel, at a cost not to exceed \$100,000.00.

No. 2213 Resolution providing for an agreement with the Hill Community Development Corporation to provide for a management, maintenance, and operation of certain parcels of land in the 3rd and 5th Wards of the City of Pittsburgh to be co-developed with the Hill Development Corporation as part of the Bedford Addition Hope VI Program.

No. 2214 Resolution repealing Resolutions approved on various dates authorizing the sale of properties in various wards all within the City of Pittsburgh in accordance Act No. 171 of 1984.

No. 2215 Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984 Second Class City Treasurers Sales and Collection Act.

No. 2216 Communication from the Mayor, Tom Murphy, requesting permission for Mike McKeever, a non-city employee to travel St. Louis, Missouri on August 25 through 29, 1997 to attend an annual operation Weed and Seed meeting and conference of the U.S. Department of Justice, at a cost not to exceed \$1,145.00.

Which was read and referred to the Committee on Finance and Budget.

**The Chair:**

That concludes our Presentation of Papers, the Chair has no papers to submit at this time. Any matter under Unfinished Business or Reports of Special Committees.

Hearing none, moving to Reports of our Committees, beginning with the Committee on Finance and the Budget, Councilman Udin Chair.

**REPORTS OF COMMITTEE**

**MR. UDIN PRESENTS:**

Bill No. 2218

Reports of Committee for Finance and the Budget for July 16, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2128:

Resolution providing for the issuance of a warrant in the sum of \$33,000.00 on behalf of the Administrator of the U.S. Environmental Protection

Agency in full and final settlement of an action filed, pursuant to Section 107 of the Comprehensive Environmental Response Compensation and Liability Act seeking recovering of past and future funds expended by the U.S. in response to the release and threatened release of hazardous substance from a landfill located in Elizabeth Township, Pennsylvania.

Which was read.

Also,

Bill No. 2129:

Resolution providing that the City enter into a professional service contract with Penn Credit Corporation for the purpose of providing software development to monitor the parking tax system, at a cost not to exceed \$20,000.00.

Which was read.

Also,

Bill No. 2142:

Resolution authorizing the transfer of \$1,400.00 from Code Account 1423, Equipment to Code Account 1421-1, Education and Training Bureau of Emergency Medical Services.

Which was read.

Also,

Bill No. 2152:

Resolution providing for the issuance of a warrant in the sum of \$12,500.00 to Jacqueline Tiptin in full and

final settlement of an action filed alleging personal injury due to a personal fall.

Which was read.

Also,

Bill No. 2153:

Resolution providing that the City enter into a professional services contract with the Pennsylvania Economy League for consulting and advisory services and implementing the competitive Pittsburgh Taskforce recommendation, at a cost not to exceed \$75,000.00.

Which was read.

**The Chair:**

You have heard the reading and title of the Bills, is there any discussion.

**Mr. O'Connor:**

On Bill 2129, I want to thank the Finance Department and their staff people for working on the parking revenue software. We'll start monitoring the parking tax. As you and I are well aware, it's been a long struggle. I want to make it clear that this is only the first and a small step in the right direction to collecting this tax which is a well needed revenue source for the citizens of Pittsburgh. I look forward to a lot more from them before we're finished with this Bill.

**The Chair:**

Thank you, Councilman.

Any other discussion?

**Mr. Ricciardi:**

I want to thank you. I was hoping to speak before Mr. O'Connor because I was going to say obviously I was in full support of this. I just want to say that we didn't have to pay Bob any extra money to monitor the parking taxes. He's done a wonderful job in the past to show that there definitely was non-payment.

The reason I'm really supporting this is because it's not fair to those that are out there paying that others are not. Everyone should have a level playing field when you're in a free market.

So, I want to thank Mr. O'Connor.

**The Chair:**

Thank you.

Any other discussion?

Again, I just want to voice my continued objection to spending what I think is a waste of money again for the Pennsylvania Economy League which to me is nothing more than a front group for the Allegheny Conference on community development. I think it's a waste of money to spend \$75,000.00. If we're going to give them this money, why don't we just divide it in half and give half of it to the Allegheny Institute. At least we'll get an unbiased view and have a right wing as well as the liberal wing, give us their ideology and their philosophy on all of these different governmental issues. But there's no way I'm going to appropriate another sum of money. They're blood suckers, they've been draining us for the last 4 years and we've



given them money. I just see no purpose in giving this group this money.

Any discussion?

**Mr. Cohen:**

Mr. President, with all due respect, I do disagree with you strongly on that. I strongly support the Bill to provide \$75,000.00 to the Pennsylvania Economy League. I think it's a small price to pay for the services that we've received in the past, services with respect to Competitive Pittsburgh, with respect to the tow pound and with respect to revenue projections. I think that they have provided a useful service for our financial stability and that we should continue doing it.

**The Chair:**

Any other discussion?

**Mr. O'Connor:**

They did send us a breakdown on hourly rate on what they did, who worked on it, what each project cost and also it's matching money. So, the public should know that there is a benefit, although we might disagree with some of the benefits.

**The Chair:**

Any other discussion?

Hopefully, you won't see any of the 75 spent on the sales tax propaganda over the next few months.

Roll call vote.

**AYES:**

Mr. Cohen

Mr. Onorato

Mr. Cusick  
Mr. Hertzberg  
Ms. McDonald  
Mr. O'Connor

Mr. Ricciardi  
Mr. Udin  
Mr. Ferlo  
(Pres't)

**(Mr. Ferlo voted no on bill 2153)**

All of the Bills having received the legally required number of votes has been approved finally.

**MR. RICCIARDI PRESENTS:**

Bill No. 2219:

Report of Committee on Public Works, Water and Environmental Services for July 16, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2143:

Resolution providing for a contract for an update to the Pavement Management System in the City of Pittsburgh, at a cost not to exceed \$40,000.00

Which was read.

Also,

Bill No. 2144:

Resolution providing for a contract for brick pavement, maintenance, rehabilitation and replacement in CD areas throughout the City of Pittsburgh, at cost not to exceed \$15,000.00.

Which was read.

Also,

Bill No. 2145:

Resolution granting unto Yellow Cab Company an encroachment to construct a parking area, fence and gate on a portion of right-of-way on Ellsworth Avenue in the 7th Ward.

Which was read.

Also,

Bill No. 2146:

Resolution granting unto the Pennsylvania Department of Transportation an encroachment to construct the installation of a CCTV camera, pole and underground conduit on Stadium Drive East, in the 22nd Ward.

Which was read.

Also,

Bill No. 2147:

Resolution granting unto Bind and Company an encroachment to construct a handicapped ramp with a guardrail and handrail on Wood Street in the 1st Ward.

Which was read.

Also,

Bill No. 2148:

Resolution granting unto Cross Gates Reality, Inc., an encroachment to construct free cast concrete steps on North Bellefield Avenue in the 4th Ward.

Which was read.

Also,

Bill No. 2149:

Resolution granting unto Salvadore Lesa, Jr., an encroachment to construct an access road on McGall Street and Cape Way in the 32nd Ward.

Which was read.

Also,

Bill No. 2150:

Resolution granting unto International Metro Corp., an encroachment to construct a handicapped ramp on Liberty Avenue in the 8th Ward.

Which was read.

Also,

Bill No. 2151:

Resolution granting unto Pittsburgh Downtown Partnership an encroachment to construct a planter box and decorative flags on Sixth Avenue, Market Square and Market Street in the 1st Ward.

Which was read.

**The Chair:**

You have heard the reading and title of the Bills, is there any discussion?

I'm going to abstain on two Bills in this committee, one is on the pavement management system, Bill 2143. I'm

particularly concerned that, I know since the Wednesday meeting, I've heard the discussion with the Director. There's still an outstanding \$25,000.00 payment that must be made to the previous contractor who I think clearly and did not fulfill the obligations bringing this computer system on line. I'm still unresolved as to whether we're appropriating new money for a new subcontractor or if this money will be used for the outstanding debt that we have with the previous contractor. So, I'm going to respectfully abstain.

Secondly on Bill 2146 regarding this HOV lane camera that we set up outside Stadium Drive, I'm sure it's a good thing, but I'm a little bit confused about the liability issue here. I know we were named as a party regarding the HOV disaster from a few years ago. Even though I don't think any of us in City Government, Engineering and Construction, Public Works or any city department have anything to do with the HOV lane, we were named party, nonetheless.

If this camera goes out and breaks down and we're being named party, why isn't the public liability greater than what it usually is on this kind of boiling plate bills. So, not knowing enough about it and recognizing that we were jammed up last week on Bills and didn't provide for a lot of discussion, I'm going to respectfully abstain on those two different Bills.

Any other discussion?

Hearing none, the Bills are now ready for final action.

If you're in favor of the passage of the Bills will vote aye when your names are called, if you're opposed, vote no.

Will the Clerk please call the roll?

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

**(Mr. Ferlo abstained on Bills 2143 and 2146)**

All of the Bills having received the legally required number of votes has been approved finally.

**MR. COHEN PRESENTS:**

Bill No. 2221:

Reports of Committee for Public Safety Services for July 16, 1997 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1650:

An Ordinance amending and supplementing the Pittsburgh Code by deleting Section 513, Historic Structures Districts, Flights and Object, Title X, Building, Chapter 1007, Boga National Building Code and by creating Title XI, entitled, Historic Preservation.

Which was read.

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**The Chair:**

We will go back to the Committee on Housing, Economic Development and Promotion.

You have heard the reading and title of the Bill under this Committee including the Bill regarding the Historic Designation Ordinance, is there there's any discussion?

**Mr. Onorato:**

I would like to have my comments brought forward. I will continue to vote no. The one issue that I will continue to push in the future, and my office is looking at drafting legislation, and that is dealing with the super vote majority requirement of seven. I appears that it is very consistent throughout the Code. The fact that we couldn't win that on this and only wanted six, I found disturbing only because the same principle of property right protection and I thought we should remain consistent. I'm looking at a legislation that will deal with all the super vote requirements within the code which would also include this bill and it appears that it will pass. To address the super vote requirement and under what situation we would have the seven vote requirement. That will be coming forward probably right after the break.

(See Addendum for Comments)

**The Chair:**

Any other discussion?

Hearing none, roll call vote on all the Bills.

**AYES:**

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

**(Mr. Onorato voted no)**

The bill having received the legally required number of votes has been approved and is final.

**MS. MCDONALD PRESENTS:**

Bill No. 2220:

Reports of Committee for Housing, Economic Development and Promotion for July 16, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2123:

Resolution authorizing the URA to acquire all of the City's right, title and interest if any in and to publicly owned property in the 14th Ward being designated as Block 128J, Lot 164, Block 128N, Lot 17 and 54, Block 129A, Lot 29 and Block 129N, Lot 40, Nine Mile Run.

Which was read.

Also,

Bill No. 2124:

Resolution approving an execution of a disposition contract by and between the URA and Allegheny West Civic Council for the sale of Block 8A, Lot 31 in the 22nd Ward.

Which was read.

Also,

Bill No. 2173:

Resolution approving a redevelopment proposal dated July 7, 1997 including modification No. 1 to the redevelopment area plan for redevelopment activities in a portion of redevelopment area No. 51, Federal North, in the 22nd and 25th Ward.

Which was read.

Also,

Bill No. 1879:

Resolution providing for an agreement with organizations for community and economic assistance in various neighborhoods in the City of Pittsburgh and providing for operating support for these groups in an amount not to exceed \$540,000.00.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion?

Hearing none, the bills are now ready for final action.

All in favor of the passage of the bills will vote aye when your names are called. If you're opposed, vote no.

Will the Clerk please call the roll?

**AYES:**

Mr. Cohen	Mr. Onorato
Ms. Hertzberg	Mr. Ricciardi
Mr. Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
	(Pres't)

**AYES      Eight      NOES      None**

All of the bills having received the legally required number of votes have been approved finally.

**The Chair:**

That concludes our Reports of Committee, under Motions and Resolutions. Is there any matter to be brought before the Body?

#### **MOTIONS AND RESOLUTIONS**

**Ms. McDonald:**

Just as a follow-up to the incident that happened in my district, the second incident within just a couple of weeks, an accident a 14 year-old child because of a gun that went off. Even though there is still an investigation into the semi-automatic weapon that went off and killed LaKeshea Collier who was only 14 years-old and a student at Reisenstein School, I think it's incumbent upon us -- and I'm taking Councilman Cohen's lead who introduced a resolution sometime ago, really just a few months ago, about gun safety locks.

It's something like it felt good, a kind of warm and fuzzy type of resolution and it felt good, but this is serious now. We have children who are dead, Mt. Oliver, East Hills, and Homewood. There are just children dying. A lot of these could be prevented with that warm and

fuzzy resolution thing there, the gun safety lock. It's very serious now.

I think that this Council Body needs to truly get behind our state delegation to push. Despite the political obstacles out there from rural areas, from central Pennsylvania, from the NRA, but they need to truly follow through on House Bills 1419 and 1484. Currently these bills are still in judiciary committee, they haven't moved. There's a possibility that unless there's public pressure and political pressure, that they move, that they'll stay in committee or just disappear. You know how things happen at the state, they go into never, never land and we don't know whatever happens to them.

So, 1419 and 1484 are two pieces of state legislation that was introduced sometime I believe it was in February to mandate the sale, whenever you have a sale of a handgun or any type of a gun or weapon, that you must buy a gun locking device, a safety device, a child proofing device for the gun. It doesn't mean your guns will be taking away. But, what it means is that as you argue you have a constitutional right to have who knows how many guns in your house, you have to make sure that your home is made safe for children. I don't care if they're yours or visitors, they must be made safe. It goes back to the whole notion of accountability starts in the home whether a gun is found or not, accountability starts in the home. The adults in that home must know what's going on and go through every type of motion that is feasible for them to protect their children or any other individual in that home from a deadly weapon.

Again, I would urge my colleagues and I would urge the public to get in touch

with your house legislature. House Bill 1419 and 1484 are two pieces of legislation that would mandate some type of gun safety program and the sale of gun locking device, a trigger lock, a child proofing device on any handgun that is sold. It's not going to stop accidents, that's the reality. In these instances, it is plain that the kids found the gun. But at least it would be a step in the right direction. I think one step in the right direction is better than no step at all.

Again, I urge my colleagues and the public to try to get these pushed out of committee and pushed into being approved as legislation.

**Mr. Cohen:**

Mr. President, I want to thank Councilwoman McDonald for bringing this important issue up. I don't know how many deaths it will take before the state legislature realizes that there's a difference between recreational use of guns on the one hand and criminal and accidental use of guns on the other. Those two deaths that Councilwoman McDonald referred to are absolutely tragic and didn't need to happen. A gun lock is cheap, it's safe, it's effective and there's no reason why we shouldn't require manufacturers and require gun users to put a lock on their gun. We lock so many things in our daily lives, we lock our cabinets so kids don't get near pesticides and chemicals, we lock our cars, we lock so many things, but we don't lock an object that is so deadly it really does not make sense.

I support and I know members of this Council support recreational and sports uses of guns and the second amendment and all of that. But there is a

difference between that and preventing a young girls death which occurred just the other night. So, I'm glad that Councilwoman McDonald brought this up and that we should continue to push it.

This Council passed an Ordinance, as everybody remembers hopefully, to ban assault weapons. Then, the state legislature just soon thereafter preempted us, took away our right, to protect our own citizens. This state legislature has got to wise up on this issue and realize that deaths can be prevented but, at the same time, not precluding people from using guns for sports and recreational uses.

So, Councilwoman McDonald I support you wholeheartedly. Unfortunately, after researching this issue, and tell me whether you agree, but after researching this issue legally, I wanted to introduce an ordinance requiring gun locks, but found out that the state legislature has pre-empted us from doing that. Therefore, introduce it as a resolution. If you can figure out a way where we can do it legally, then I'm with you 100 percent.

**Mr. Onorato:**

I share the grief with Councilwoman McDonald because this happened a few times in my times too in the past and it's such a tragedy when you hear it. I'm coming at it from a little different angle. I have a suggestion that maybe Councilwoman McDonald and Councilman Cohen and this Body, we could push. As you know, I really don't believe that even if those laws would pass, they would do anything. However, I think there's something we can do.

I was just sitting here thinking listening to the conversation going on. Right now the City does a great outreach program with the fire department with smoke detectors going into the home. Well, goes in homes are reality. We might not like it, but it's a reality. You'll hear statistics that over 50 percent of the homes in the state has some kind of fire arms. If we're already out in the neighborhood, I think that type of a program, let's find out how we fund the program and if we do that through the budget area to buy these smoke detectors, then maybe instead of legislating it, we look at a possibility of adding gun locks to our safety program where we do the outreach with the fire. We're already going into the homes to put the smoke detectors in. If we get the locks into the homes, I think we might have a better chance of actually having the parents use them as opposed to trying to legislate some type of requirement. This way we don't have to wait for Harrisburg and we can do what we want here in the City. We already have the apparatus in place with the firemen and women who are plotting out the entire city and going around with these smoke detectors.

So, I will put this out on the table during the budget process. Possibly what we can do is come up with some funding for locks. There's no legislative mandate. What we do is, basically, give parents the option of having these locks when we go in with the smoke detectors. I think we might have a better chance of getting them to actually use them. I'll work with you Councilwoman McDonald throughout the budget season to see if we can find the funding to actually purchase the locks to do this.

**Mr. Cusick:**

I think it's a great idea that both Councilwoman McDonald and Councilman Onorato have in going through the community services program. But, I would hope that the Sheriff's Department would be willing to work, as they're issuing these permits, to offer some type of incentives for people to put the lock on their gun. I know my brother is a deputy. I know that when he's home his lock is on his gun at all times because of his young children in the house.

I do know and appreciate the importance of it.

**Mr. Ricciardi:**

I'll be very brief. I voted no, not to band any type of weapons here in the City of Pittsburgh. I thought it was unconstitutional at the time, but I supported the resolution that was put forward by Mr. Cohen and now mentioned by Valerie McDonald regarding the safety locks. If you take an automobile for example there are certain rules and laws and regulations that we have to live by and I think the safety locks is very important.

I think we also have to look into education which was a very serious issue. People have lost their lives and it's very sad. But, hopefully, maybe, the Pittsburgh School Board is also, you hate to have it on the curriculum, but maybe they should be talking to their young people especially in grade school telling them the dangers of weapons and if they see a weapon either outside as one child I think picked it up on the outside and brought it inside. So, maybe we could also look into working with our Pittsburgh School Board directors to see if they're teaching anything in the

schools to stay away from guns when you see them.

So, I'll be willing to support what Mr. Onorato has also brought up maybe looking for foundation money as we did with the gun buy back program. I'm still in full support of Mr. Cohen's resolution demanding that the state put forward a law and hopefully that will work. We really need some common sense out there. Common sense just by the people who own these guns in terms of keeping bullets in the chambers and in terms of keeping them loading or in sight of young people. So, it just shows you there's an ignorant factor out there. It's very sad because the people who are being harmed by that and losing their lives aren't adults, but mostly children.

So, just to sum up and hopefully maybe Valerie McDonald, since you have a good rapport with most of the school board members, I'm just curious if they're doing any education teaching on this issue in our schools.

Thank you.

**Ms. McDonald:**

Final comments from me, at least. You all are welcomed to chime in.

I just got some information, I just came in. The gun safety lock that Councilman Cohen sponsored a resolution and people were here to present what the trigger lock looked like. The manufacture, who also got his product patented, was Anthony Sarrow. I'm I saying that correctly, Councilman Cohen?



**Mr. Cohen:**

I believe so, yes, Councilwoman.

**Ms. McDonald:**

This product is not on the market yet, but he does manufacture it. It's 129 Oak Manor Place, Pittsburgh, PA 15235. The phone number, if any of the public is interested in a gun safety lock -- I don't think we have time to wait for the government and their bureaucratic shuffle to say it's okay to use a gun lock. Listen, if you want a gun lock, it's 1-800-682-7436. This gentleman is meeting with State Representative Carne about getting this in production and making sure that it is available across the state.

One last comment, though, about the safety. It's funny because when talk about mandates, and a lot of us are kind of iffy about should we mandate this or should be mandate that. We mandate seatbelts. We can mandate seatbelts for our children. You will get a ticket or a fine if your kids are not buckled up. I don't think it's a heck of a lot to ask for that we mandate gun safety locks on deadly weapons. If anything that's even more important if you have a gun. A gun is more deadly than a car. You have to do something goofy or somebody does something goofy to you to really get in trouble as far as your safety in a car. But, look at a gun, that's even more deadly.

So, I don't want to hear the argument about mandates. If we can mandate seatbelts, we can mandate gun safety laws. That's what the state needs to understand. It's very illogical to try not to argue that that is in line. It's very difficult to argue that. Childproofing your home is

important all the way till your kid is 18 because guns, drugs and violence are reality. I do believe, when you talked about teaching children, to Councilman Ricciardi that is an excellent idea. I was just told maybe a half a year ago that the Pittsburgh Public School Board did vote in some type of funding for a program sponsored by the NRA to talk about gun safety. It's supposed to be an excellent program. I applaud their efforts in doing that and not hiding behind kind sort of political thing where we don't want to deal with the NRA. They want to protect the kids regardless of who it is that's sponsoring the program. So, I applaud them for that. Thank you Councilman Ricciardi for that.

But, if we can teach -- let me tell you an example. My kids would not know who important children safety restraining device would be in a car until I made them put it on. They've been in seatbelts since they came out of the hospital. There is no exception to that rule, I don't care if we're going one block, there's no exception. They automatically do it. It is now a frame of mind. In fact, they feel uncomfortable when they don't have it on, it's like something's wrong here and they realize, I forgot to buckle up. It's the same thing with a gun safety device. Once a parent or the adults in that household set that standard that it's automatically locked, automatically the kids will know there's something dangerous here. They know that there's a problem and that's why the device is on there. So, just by doing it can teach your kids about safety, just by enforcing it in your own household. It's no different than a seatbelt. My kids know what happens when you don't have a seatbelt on, but they may not have known

that had I not forced them into that. Again, accountability starts in the home.

Thank you.

**The Chair:**

Any other discussion?

Any other matter to be brought before the Body?

We do have a public hearing this afternoon at 2:00 p.m. regarding a rezoning issue in Shadyside. Tomorrow evening we have a public hearing in Oakland at 6:30 p.m. in the Holiday Inn in Oakland regarding the Bigelow Boulevard.

**Ms. McDonald:**

I don't want this to get by. I gave the wrong phone number. The phone number if you want a gun safety device is 1-800-238-1548 Ext. 3817. Ignore the previous number, it's a fax number.

**The Chair:**

Thank you, Councilwoman.

Again, a public hearing regarding Bigelow Boulevard tomorrow at 6:30 p.m. in Oakland at the Holiday Inn. If you would like to testify regarding the issue of Bigelow Boulevard you can call the City Clerk at 255-2138.

Any other matter to be brought before the Body?

The Mayor did respond in writing that he will not be able to attend tomorrow's session regarding the Civilian Review Board Ordinance including his

own ordinance. The Solicitor will be available. He did send a well written and well thought out letter to Council regarding his view and version of the Ordinance and some of the concerns that he has raised. I hope we take the time to read it. I'll enter it into the record tomorrow also. I think we'll have the relevant parties at the table tomorrow to move finally and with some resolve on the Civil Review Board issue. I want to thank the Mayor for his response to this Council.

Any other matter? Hearing none, this Legislative Session stands adjourned.

Thank you.

#### **ADDENDUM**

Mr. Onorato's comments on Bill 1650 can be found in the Standing Committee Meeting Minutes of July 16, 1999.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
JOHN MASCIO.....Deputy Clerk

Pittsburgh, PA  
Tuesday, July 29, 1997

#### PRESENT:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

#### ABSENT:

Mr. Onorato

#### The Chair:

Good morning, everyone. We have a number of honored guests in the audience that we will bring up shortly. But at this time, will you all rise for the Pledge of Allegiance and will you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a young lady, Tara King, she is 15 years old. She is one of our summer youth interns from the City's Summer Youth Employment Program. She lives in Councilman Udin's district. She happens to love singing and playing the piano and she is going to be going into the eleventh grade this year at the Creative and Performing Arts School here in the City of Pittsburgh, and Tara's going to lead us in the Pledge of Allegiance.

#### Tara King:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with Liberty and Justice for all.

#### The Chair:

Thank you, very much. It's very much appreciated.

#### PRESENTATIONS

We have a number of guests in the audience this morning, and at this time, I would like to ask Mr. Connolly to come forward from the wonderful 20th Anniversary of the Three Rivers Regatta, Shop 'N Save and all the other sponsors, and Councilman O'Connor, Councilman McDonald are board members, if they would like to come up also.

Members of Council, on behalf of all of the Council members, every one of

us -- Councilman Hertzberg has the pleasure of representing a large part of the Regatta area, at least where his home boat is there -- and every one of us on Council at one time or another has been active on the board or volunteering or doing one thing or another with probably the premiere event, not only for the City of Pittsburgh, but all of Western Pennsylvania. So on behalf of all my colleagues, Mr. Connolly, we would like to read the following resolution.

**MR. FERLO AND ALL COUNCIL MEMBERS PRESENT:**

No. 2222 WHEREAS, the 1997 Shop 'N Save Three Rivers Regatta, co-sponsored by the Greater Pittsburgh Pontiac Dealers and the Western Pennsylvania GMC dealers, is celebrating its 20th anniversary with six days of high quality, free, family entertainment on Saturday, August 2nd through Sunday, August 3rd and Thursday August 7th through Sunday August 10th;

WHEREAS, under Eugene F. Connolly, the founder, the president and general chairman of the Pittsburgh Three Rivers Regatta, what began as a small riverside festival has grown to monumental heights achieving the status as the largest in-land Regatta in the United States, attracting over 1.5 million spectators annually;

WHEREAS, the 1997 Shop 'N Save Three Rivers Regatta features a plethora -- that's a fancy word -- an unbelievable amount of high-quality, free, family entertainment, including the Regatta land parade lead by the Mummers, the largest spectator power boat race in the world, the Iron City Grand Prix, the hot air

balloon fiesta, the local Anything That Floats race, the Shop 'N Save Children's Village, the Home Depot Champion Lumberjack Show and national competition, the Regatta Rubber Ducky Race, the largest fireworks display in the history of Pittsburgh's Shop 'N Save Regatta Thunder and the Pepsi Concert Series featuring The BoDeans, REO Speedwagon, KC and the Sunshine Band, Sha Na Na, Tommy James, Cameo and ConFunkShun, among others and;

WHEREAS, Thomas J. Usher's been named the 1997 River Person of the Year for spearheading efforts to transform our region into a world-class visitor destination in 1997;

WHEREAS, the 1997 Shop 'N Save Three Rivers Regatta will feature a demonstration illumination of the Fort Pitt -- as Councilman Udin has been working hard on that -- Fort Duquesne and West End bridges, co-hosted by the Council of the City of Pittsburgh and others, featuring Mayor Thomas, Murphy and Governor Tom Ridge throwing the switch to light the bridges.

NOW, THEREFORE LET IT BE RESOLVED that the Council of the City of Pittsburgh does hereby commend the President and General Chairman of the Three Rivers Regatta, Eugene F. Connolly, all the dedicated and capable Regatta staff and the many volunteers that worked diligently to make the Regatta a success each year;

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare August 2nd through August 10th, 1997 as Regatta Week in the City of Pittsburgh.

Motion approved. Moved to say all in favor.

**MR. UDIN** moved to adopt the resolution.

**MR. FERLO** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you very much.

There's no way this little Proclamation and the square footage that we have on this plaque could list all of the many and varied events that the Regatta will have this year. It's amazing that each and every year the Regatta continues to grow and even get bigger and better. It's even hard to believe given the fact that it's the 20th anniversary. It doesn't seem that long. It seems like yesterday it started. It's just amazing that each and every year so many new and unique events can be added.

I particularly want to applaud Mr. Connolly and all the Regatta volunteers because I know last year, and especially this year, I think the family and the children's aspect of the Regatta has really taken hold and it's a great and wonderful opportunity for a lot of young children and kids to come down into the Three Rivers area, especially in and around the Point State Park area, and really enjoy oneself.

And, again, the word "free" as Mr. Connolly always stresses, is very important, because I can't think of any other event that involves possibly as much as a couple of million individuals and families and children that can continue to

be held free of charge. That's something the Steelers, the Pirates, nobody else can say and we collectively, on behalf of all of our colleagues, want to applaud Mr. Connolly and all the other hard-working volunteers who, once again, are a vital part, and we continue to salute what is the premiere event and a world-class water event for the City of Pittsburgh.

So, Mr. Connolly, on behalf of all of my colleagues, we would like to present you with this plaque and I would like to ask my three colleagues here to also say a few words before we get you up here to say a few words.

**Mr. O'Connor:**

I don't know how we can top that, but if you look at the list, there's a lot of Regatta this weekend. There's two weekends of excitement. I think what Jim said, I want to highlight again. There's so much more. A few years ago I think it was more of a night event and, you know, the fireworks and the race, but now it's centered around children. Point Park has all the children's programs, so it's really opened up the family, so hopefully everyone coming down will have a great time. And the 20th anniversary is going to be bigger and better than ever.

We congratulate you and thank you for all your hard work.

**Ms. McDonald:**

I also want to commend Mr. Connolly for his ongoing efforts with the Regatta. Next year it's a big year, what is it, number twenty?

**The Chair:**

This is 20.

**Ms. McDonald:**

This is 20 -- the 20th anniversary. There's many events that surround the Regatta besides just the events at the Regatta, including dinners, River Person of the Year, dinners that Mr. Connolly did a fine job of hosting at the Sheraton Hotel.

It goes without saying that many of us, not just in this chamber, but throughout the City, are very aware of the many contributions that Mr. Connolly does give the City of Pittsburgh and many small people, non-profits, that have had events there at no charge, thanks really to Mr. Connolly. It's his way of giving back. I admit, we've got to make money, but there are many times that he does give back quite a bit.

So I commend him on the Regatta and I ask people, particularly in my district, to come on out and enjoy the rivers. The rivers are everyone's. I don't care if you are all the way in the West End, all the way in the East End, the rivers are you alls and if you have nothing else to do -- you don't want to enjoy the rivers, go ahead and eat. There's so much food there that you can eat to your heart's delight. So again, my commendation to Mr. Connolly for 20 years of success.

**Mr. Hertzberg:**

Thank you and thank you Eugene Connolly for 20 years of service and ideas and implementation of them. And I think it's the ability of the Regatta to respond to what the public's saying and change that's made it continue to be successful. I think

if you're not willing to change sometimes these great things can fall by the wayside.

But I think two of the biggest changes that we've seen the last couple years with the Regatta is actually the expansion of the time frame from a single weekend operation, now it's a two weekend operation, and I think the public is actually demanding that and that way, especially with some of the vacation schedules out there, including my own, I now have the opportunity to at least catch one of these even during vacation season.

And the other change that we're going to see this year is the food concessionaires. Speaking of assistance to non-profits and charitable organizations, now they are going to be the ones that are manning the food concession booths and they will actually get a share of the proceeds from the sales and the concession booths and I'm really anxious to see how it works. I know a lot of the charitable organizations are very thankful for the opportunity to raise money through this method and I think it's going to be a great success. I know the organization that's handling all that has been successful in some of the other areas where they've done that. Hopefully they will be successful here and we can continue with it.

But, again, thank you, Gene Connolly, congratulations for 20 years and we look forward to another Regatta.

**Mr. Connolly:**

Thank you so very much, President Ferlo and Council members. We are not here to receive thanks, we're here to give and we have something to give. We have

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a world-class event and we've been able to do it for 20 successful years.

This just didn't happen in the last couple of years. It's taken us 20 years. It was 20 years ago when I went to the Mayor of the City of Pittsburgh, Pete Flaherty, and asked for permission and cooperation to get the Regatta initiated and get it started. He gave me another Irish fellow, Jim Kelly, to assist me, and this is what we have 20 years later. We have not touched the tip of the iceberg to the potential of what we have in the Regatta and we're going to do a lot of fabulous things. And I'd like to commend Sala Udin on the activities that he's been working very hard. In fact, we have another meeting that Sala is calling tomorrow with his group of people to see that we have something very spectacular and something very special that will leave a mark on the City of Pittsburgh, the lighting of the bridges.

So many thanks to each and every one of you. Come down and enjoy it. We have a lot of things to offer and it just gets better and better and better. Thank you so very much.

**Mr. Udin:**

I just want to join in with my Council colleagues in commending the work of the Three Rivers Regatta, but also to thank Gene for opening the Regatta opportunity to the bridge lighting event that will be happening on the 8th and 9th of August.

And I also take this opportunity, Mr. Connolly, to thank you for your hospitality to the conventioners that attended this city at the NAACP convention. You extended the generosity

of the Sheraton, to open it up to other local restaurants, soul food restaurants, to make the stay of the conventioners much more comfortable and they appreciated it and I appreciated it. Thank you very much.

**Mr. Cusick:**

I also want to chime in and thank Mr. Connolly, your family and all of the works that you've done over the past 20 years in giving us the opportunity to enjoy, to appreciate one of our most valuable resources of the great three rivers in the City of Pittsburgh. Thank you very much.

**Mr. Cohen:**

One of the many things that I admire about Gene Connolly and the Regatta is that for most events — and I guess a number of people kind of eluded to this — for most events, if you find the right formula, you stick with that formula because it's successful. So with Gene Connolly you're always pushing it, you're always saying let's innovate every year, let's add another event, another several events, and that really is remarkable because you could have stuck with the successful formula. Instead, you decided to be more successful and I congratulate you for that.

**The Chair:**

Thank you. Again, on behalf of the public, especially, Gene, thank you very much and we're going to get a picture right now.

Again, we encourage all the public throughout Pittsburgh and Western Pennsylvania to participate in the 20th anniversary of the Regatta.

Councilman Hertzberg, you have a number of guests in the audience today. I know we have some advocates in the audience for the Civilian Review discussion and I don't want to disappoint you, but we will be recommitting that Bill, as we discussed last week. You're welcome to stay through the meeting. We welcome you as our guests.

**Mr. Hertzberg:**

From the Domestic Abuse Counseling Center, the individuals who are here, Bob Foster, the Director and the other staff members, will you please step forward.

The Domestic Abuse Counseling Center, although it's located in Council District 2 in the Mt. Washington neighborhood on Boggs Avenue, it services far more than Council District No. 2. And it recently was analyzed by a professional, a Ph.D. who did an extensive study on these kinds of operations on domestic abuse counseling and it was determined to be the most effective organization of its kind in operation in the country and if nothing, it deserves this Resolution today, that outstanding achievement does. The Resolution reads:

**MR. HERTZBERG PRESENTS:**

No. 2223 WHEREAS, the Domestic Abuse Counseling Center located at 411 Boggs Avenue, Mt. Washington, 19th Ward, City of Pittsburgh, an agency committed to ending partner violence in Western Pennsylvania celebrated its fifth anniversary this spring;

WHEREAS, a national study sponsored by the Centers for Disease

Control was conducted by Dr. Edward Gondolf from Mid-Atlantic Addiction Training Institute and tracked 840 men and their partners for over a year at sites in Pittsburgh, Dallas, Denver and Houston;

WHEREAS, this research is the most comprehensive evaluation of batterer programs to date comparing client characteristics, program treatment models and criminal justice involvement;

WHEREAS, the Domestic Abuse Counseling Center has the highest completion rate, 70 percent, compared with other programs, 55 percent;

WHEREAS, 90 percent of men completing the Domestic Abuse Counseling Center programs have not been arrested again for domestic abuse;

WHEREAS, 60 to 75 percent of the partners of the men completing the DACC program reported feeling very safe, unlikely to be hit again, and that their lives are overall better after their men have completed the program,

WHEREAS, several men, after participating in the program have gone on to complete training programs to become group facilitators and also to become part-time employees of the Domestic Abuse Counseling Center,

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does congratulate the Domestic Abuse Counseling Center on its five years of success and wishes them continued success in the future.

**MR. UDIN** moved to adopt the resolution.



**MR. FERLO** second the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Thank you. Mr. President, Members of Council, Rob Foster is next to me. He is the Executive Director of the Domestic Abuse Counseling Center. Paul Birchfield is also here. He's the Program Administrator, and I think Ann Ryan is in the audience. She's the intern who's from Ireland working for the Domestic Abuse Counseling Center.

Let me allow Director Foster to speak to us now.

**Bob Foster:**

Thank you, Mr. President, Mr. Hertzberg and council members for this great opportunity.

I think Pittsburgh again shows its leadership just in the various fields and especially in domestic abuse and domestic violence. In fact, in a couple weeks, DACC, Domestic Abuse Counseling Center, will be presenting the Pittsburgh Model at the World Congress on Violence in Dublin, Ireland. I think we are getting international recognition. In September we have to go to Hawaii for two days to train the Big Island on our model, Pittsburgh Model, on how we deal with domestic violence here in Pittsburgh.

So it's because of the leadership here in Pittsburgh in allowing us to be in your neighborhoods. I think we're in every Council Member's neighborhood with sites, that it makes and allows men to have

a walk-away concept. There's no excuse not to attend.

We started five years ago with two volunteers, today we have 24 employees and we're scattered throughout Allegheny County now. We're growing and we're ending partner violence. I'm very grateful for that opportunity. Thank you all.

**Mr. Hertzberg:**

Bob, correct me if I'm wrong, by the model you're talking about, I think, and it works, has to work in conjunction with City Court and District Justices. And generally what you see is when there is a domestic abuse allegation made, they are promptly and before the proceedings go any further, referred to the Domestic Abuse Counseling Center to see if the intervention of the Domestic Abuse Counseling Center can resolve the problems. And if they do, and if it doesn't appear — and they follow through with their program, basically the proceedings stop in a first-time situation. And that's a different model, I think, than I think is out there in some of the other jurisdictions that have tried it.

And, of course, we also must complement our City Court, where a lot of these situations arise, for cooperating and working with the Domestic Abuse Counseling Center to reduce domestic abuse and make these people realize the problem and grapple with it and resolve it. It's been a very successful, effective program and I'm thankful for it and I congratulate you on your five years and the recent award.

**MS. MCDONALD PRESENTS:**

No. 2224 WHEREAS, on Saturday, August 2, 1997 the Tenth Annual John Christian Charity Golf Classic will include the celebration of Mr. Christian's 80th birthday at the Doubletree Hotel. Bev Smith, host of BET's, "Our Voices" and Sonny Jim Kelsey, a former radio personality, will co-host the gala event; and

WHEREAS, John Christian was born in 1917 in Portsmouth, Virginia. Showing a love of sports, he went to Virginia State University after graduating from high school in 1936 and hoped to become the coach of a sports team. After briefly playing baseball for the Orange Triangle, a farm team for the Newark Eagles, he became the manager of one of the largest liquor stores in New Jersey. He was the only Black manager of any such establishment in the state; and

WHEREAS, in 1951 John decided to move to California but ended up in Stubenville, Ohio to try to improve the prospect for African-Americans in the area. He became a top salesman in the area but left the company to open the first appliance store owned by Blacks in Stubenville; and

WHEREAS, while advertising his store to Pittsburgh on WILY, the station's general manager offered Mr. Christian a radio broadcasting position because the audience loved his mesmerizing voice. After just three weeks on the air, a Time magazine reporter interviewed him and gave him the name "Sir Walter". After leaving WILY, John worked on WAMO AM-860 for 11 years and he worked for 22 years as a journalist, producer, and consultant at WPXI television; and

WHEREAS, by way of giving back to Pittsburgh, John Christian organized his Charity Golf Classic which has raised over \$300,00 in the previous nine years. His next endeavor will involve the unveiling of a new youth golf clinic at this years tournament.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates John Christian on his 80th birthday. We also commend him for the significant contributions the John Christian Charity Golf Classic has made to charitable organizations in the Pittsburgh community.

MS. MCDONALD moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTS:

No. 2225 WHEREAS, Pastor, teacher, anointed preacher of the gospel, Reverend Brenda J. Gregg answered her call into the Ministry in 1982. She is a product of the University of Pittsburgh and Carlow College with emphasis in Business Communications and Health Care Administration and:

WHEREAS, Rev. Brenda Gregg produced and directed the Gospel Album, "To God Be The Glory", an album recorded by the Young Adult choir of the Morning Star Baptist Church. She has served on the Board of the Pa. State Congress of Christian Education for the Baptist Church and held the position of Asst. Dean of South Western Pa. Congress

of Christian Education, for the Baptist Church and:

WHEREAS, Rev. Gregg was licensed to preach at the local African Methodist Episcopal church and St. Paul AME Church and served in many capacities there including directing the church's mass choir. She pastored Quinn AME Church in West Elizabeth, Pa. and Bethel AME Church in Monroeville, Pa. Currently, Rev. Gregg is the Pastor of Allen Chapel AME Church, located on Pittsburgh's Northside which is one of the fastest growing churches in the area, its membership has more than tripled in the three years under Rev. Gregg's leadership and:

WHEREAS, Rev. Gregg has been employed for the past 24 years at Children's Hospital and has held a number of positions, Supervisor of Clinical Operations, Administrative Director of the Ambulatory Care center. Currently, she is the only Black administrator of the hospital and one of the few female administrators. Rev. Gregg held the position of Assistant Vice President for five years and several years ago was promoted to Vice President of Operations and:

WHEREAS, Rev. Gregg is the mother of two children Christopher and Bryanna, and has one grandchild, Aleshia. She has received many awards and honors but she gives God all the glory for the things he has done and lives by her motto: "I can do all things through Christ who strengthens me".

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh joins the Allen Chapel

church family in honoring Reverend Brenda J. Gregg for her outstanding accomplishments and invaluable support to the community.

**MR. UDIN** moved to adopt the resolution.

**MR. FERLO** seconded the motion.

Which motion prevailed.

**The Chair:**

That concludes our Read and Adopted. Moving to Presentation Of Papers.

**MR. CUSICK PRESENTED:**

No. 2226 RESOLUTION authorizing the Department of Parks and Recreation to enter into a Cooperation Agreement providing for the transfer of the amount not to exceed \$50,000 to the City of Pittsburgh Equipment Leasing Authority for the purchase of two vehicles for the use by the Department of Parks and Recreation Senior Interest Program.

Which was read and referred to the committee on Parks, Recreation and Youth Policy.

**MR. COHEN** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. FERLO** seconded the motion.

Which motion prevailed.

**MR. FERLO** to suspend the Rule 8 on all bills by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday in order to expedite them prior to a summer break.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

I want to call a legal memo to my colleagues' attention. I asked for a follow-up legal memo on the issue of the Northview Heights Housing Community and the vacation and there's an additional memo which you may want to read prior to today's vote.

**MR. HERTZBERG PRESENTED:**

No. 2227 RESOLUTION providing for an agreement with the Department of Personnel and Civil Service for the relocation of the Single Point Of Contact offices in the John P. Robins Civic Building for a term of three years at an annual rent not to exceed \$97,994 for the period of August 31st, 1997 through July 31st, 2000.

No. 2228 RESOLUTION providing for a contract for use of existing contracts for various energy-related cost reduction projects for the Department of General Services at a cost not to exceed \$50,000.

No. 2229 RESOLUTION authorizing the Mayor, Director of the Department of Finance and the Director of

the Department of General Services on behalf of the City to execute an Amendment to a Supplemental Agreement providing for the lease to the County of Allegheny of the sixth floor of the City-County Building, by extending the terms to a date not later than December 31st, 2000 and maintain the rent at an annual amount of \$242,000.

Which was read and referred to the committee on Lands, Buildings and Procurement.

**MR. O'CONNOR PRESENTED:**

No. 2230 RESOLUTION providing for a Cooperation Agreement with the U.S. Army Corps of Engineers to acquire right-of-way, design and construct the lower Saw Mill Run flood protection improvements and to commit the City's share of \$3.25 million.

Which was read and referred to the Committee on Engineering and Construction.

**MR. O'CONNOR AND MR. ONORATO PRESENT:**

No. 2231 RESOLUTION, approving a conditional use under Section 993.01 of the Pittsburgh Code, Title Line Zoning to Troy Hill Medical Associates, for authorization to use a vacant lot located at 1412 Claim Street, a property zoned R-3, multiple family resident district, as an expanded parking area for additional five parking stalls for patients and employees of the medical offices located at 1622 Lowery Street in the 24th Ward.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

**MR. UDIN PRESENTED:**

No. 2232 RESOLUTION providing for the issuance of a warrant in favor of Pittsburgh History and Landmarks Foundation at a cost not to exceed \$5,000.

No. 2233 RESOLUTION authorizing the transfer of \$75,000 from Code Account 46, Judgments, to Code Account 1075, Miscellaneous Services, Department of Law.

No. 2234 RESOLUTION authorizing the Mayor and the City Solicitor to enter into an Agreement for the hiring of Counsel to assist in the representation of the City of Pittsburgh for the review of proposed merger of Duquesne Light with Allegheny Power, cost not to exceed \$75,000.

No. 2235 RESOLUTION providing for the filing of a Petition for the sale of certain properties acquired at tax sale in accordance with Act 171 of 1984, Second Class City Treasurer Sale and Collection Act.

No. 2236 RESOLUTION providing for the conveyance by the City of Pittsburgh of certain property having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh's City Source Associates Side Yard Program.

No. 2237 RESOLUTION authorizing the URA of Pittsburgh to pursue a tax incremental financing

proposal for portions of the North Oakland Redevelopment area.

Which was read and referred to the committee on Finance and Budget.

**MR. FERLO PRESENTED:**

No. 2238 Communication from Linda Johnson-Wasler, City Clerk, submitting the first and second quarter travel reports for 1997 from various City departments.

**The Chair:**

Motion to receive and file.

**MR. UDIN** moved to receive and file.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you. That concludes our presentation of papers. Are there any items under unfinished business or reports to special committees?

Hearing none, move to reports of committees.

**REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2239:

Reporting Committee on Finance and Budget for July 23, 1997, transmitting sundry of resolutions.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2178:

Resolution further amending and supplementing Resolution 1016 effective January 1, 1997 entitled make an appropriation to pay the expenses of conducting the public business of the City of Pittsburgh and meeting debt charges thereof for the fiscal year beginning January 1, 1997 by making certain corrections.

Which was read.

Also,

Bill No. 2179:

Resolution further amending and supplementing Resolution 1017 effective January 1, 1997 entitled fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof and setting minimum levels for designated positions by making certain corrections.

Which was read.

Also,

Bill No. 2180:

Resolution providing for the authorization to make all expenditures for agreements with various agencies for job development and employment services, wage and fringe benefits for supervisor, participants, administrative staff, workers' compensation, unemployment compensation, participants' physical

transportation, recruitment costs and administrative expenditures necessary to implement the 1997 Neighborhood Employment Program, Pittsburgh Partnership Summer Youth Employment Program and the Pittsburgh Partnership Employment Program at a cost not to exceed \$825,000.

Which was read.

Also,

Bill No. 2182:

Resolution providing for warrant in favor of Lexis-Nexis in the amount of \$1,009 and payment of Computer User's Research Services for City Council for the month of June.

Which was read.

Also,

Bill No. 2198:

Resolution providing for the transfer of \$93,500 from the Gasoline and Diesel Fuel and \$20,000 from Telephone Services and Equipment all within the Department of General Services.

Which was read.

Also,

Bill No. 2209:

Resolution providing for the issuance of a warrant in favor of the Pittsburgh Historic Landmark Foundation at a cost not to exceed \$5,000 for the bridge lighting project for Three Rivers Regatta.

Which was read.

Also,

Bill No. 2210:

Resolution further amending Resolution 911 effective September 11, 1992 as amended entitled a resolution authorizing and directing the Mayor to enter into an agreement with qualified drug treatment programs for drug treatment services by increasing the total amount from \$1,200,000 to \$1,550,000.

Which was read.

**The Chair:**

You have heard the reading and title of the Bills. Is there any discussion? Hearing none, the Bills are now ready for final action. All in favor of the passage of the Bills will vote aye when your names are called. If you're opposed, vote no.

Will the clerk please call the roll?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	Mr. Ferlo, President

**AYES**      Eight    **NOES**    None

All the Bills having received the legally required number of votes have been approved finally.

**MR. RICCIARDI PRESENTED:**

Bill No. 2240:

Report of the Committee on Public Works, Water and Environmental Services for July 23, 1997, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2035:

Resolution vacating a portion of Hertzog Street between Fleming Avenue and an unnamed way, also unnamed ways in the 27th Ward.

Which was read.

Also,

Bill No. 2176:

Resolution vacating a portion of Mt. Pleasant Road to Beech Street, to Lamar Street, Penfort Street to Essen Street, Hazlett Street ending at the end of the Housing Authority of the City of Pittsburgh property and the entire length of Chicago Street in the 26th Ward.

Which was read.

**The Chair:**

You have heard the reading of the Bills, is there any discussion?

**Mr. Ferlo:**

On Bill 2176, I was not able to stay for the whole afternoon's discussion last week so I wasn't able to raise concerns.

This Bill has to do with the vacation of various streets in order to facilitate a gated community and security plan for the Public Housing Community of Northview Heights Estates. I have several reservations about this, but I did ask for legal opinion. And the legal opinion is it is appropriate and legal to vacate.

There is a concern that it would require seven votes of council. My concern is based -- and I wasn't able to discuss them at the table -- has to do with whether or not this does, indeed, have wide-spread support of the residents within the community. It seems to be evidenced by the Director of Housing Authority and the Tenant Council leadership, but I would like to have some assurance as to what the participation of the residents themselves were in the formulation of this proposal.

If anything would require a neighborhood-based public hearing, I would think that this issue would and I strongly suggest that we consider having a public hearing within the community itself prior to a final vote on this.

I also have reservations about the Housing Authority police and the manner in which this would be executed. I think there's serious questions remaining about activities of the Housing Authority police. I can recall a number of incidents as a board member, and more recently a very notorious incident took place in a restaurant in late hours just a short year ago. I have major reservations about how people will be stopped at this gate and all kinds of legal and public safety issues that I think could arise.

It doesn't mean I'm not for considering it. It doesn't mean I'm not for respecting the leadership of the community if this is something that they want, but we're asked as Council to do some due diligence and maybe some of my colleagues have done that, I respect that, but I just have reservations.

I was going to abstain today and it does require seven votes so I'll refer to Councilman Udin or Mr. Ricciardi. Mr. Udin's on the Housing Authority Board and Mr. Ricciardi's the chairman of the Committee.

**Mr. Udin:**

I'm a member of the Board of the Housing Authority. I have been monitoring this whole issue of Northview Heights and the changes that were recommended by the residents in conjunction with the Housing Authority in the wake of substantial violence that occurred in the neighborhood with several people over the last few years being killed.

I think we -- it's important that we understand the context in which these changes are being proposed. This is one of a number of changes that the people of Northview Heights have determined that would make their community a better and a safer community. It's not an issue of being imposed upon them by the Housing Authority Police or the Housing Authority itself. These are changes -- this is one of the changes that have been developed by the community.

Last week Miss Pat Begley from the Northview Heights Residence Council was present in Council Chambers and was prepared to testify to the strong community



support that gave rise to these recommendations. I think that the media coverage following the preliminary vote was unfortunate because it made it appear as though there is greater dissatisfaction with these plans than there is.

There has been extensive community input into these changes and the -- I fully support the residents' own determination to provide better security for who is coming in and out of their community.

There is also -- Mr. President, I should also point out that the Solicitor has provided a legal opinion stating that there is no legal obstacle to moving forward with the support of this proposal and I would urge my colleagues to vote in support of it and not have any further delay.

**Mr. Ricciardi:**

Thank you, Mr. President. I look forward to hearing from my colleagues, because obviously, if there is additional concerns, we should recommit the Bill, the Bill should not be defeated. However, I'm prepared today to support the Bill.

It is true, Mr. President, that there was not a City Council public hearing on the issue. However, according to Director Lowe and the host councilperson, Mr. Dan Onorato, that there was a community meeting. This is a community-driven idea stated by Sala Udin. Also at that meeting there was overwhelming support for the closing.

And with all due respect, Mr. Ferlo, I realize you had a prior commitment, but there was due diligence

at the table answering how would it -- what would occur at the gates, what the process would be and who would be able to come in, you know, who you would need to call to get in. If someone did not answer at that particular apartment, you could still park your car and walk in. Public Safety issues were addressed, so I do believe there was due diligence.

As a matter of fact, several years ago, I think four or five years ago, I thought up the idea for St. Clare Village. At that time there were drive-by shootings in one of the housing communities that I represent. Unfortunately, there was not community support, so I did not run with it.

So if there are objections or concerns by other colleagues, yes, we should recommit the Bill. To be perfectly frank with you, colleagues, I think we should pass the Bill today. Thank you.

**Mr. Ferlo:**

Let me clarify, in no way am I suggesting that we recommit the Bill. I'm only announcing the fact that I'm going to abstain for a number of reasons and I did not want to be viewed as obstructing the flow of this Bill. Having announced the fact that I'm going to abstain, I wanted to alert Council that it requires seven votes, but I'll abide by the will of the body.

**The Chair:**

Any other discussion on this issue?

**Mr. Hertzberg:**

Thank you, Mr. President. Given my experience with the Housing Authority in City Council District 2 about

community input and community support, I can't be certain of what the status is, but at any rate, it appears to me, personally, just my thoughts and knowledge that it's a good idea. On that basis, I will support it.

**Mr. Cusick:**

After hearing the discussion last week, I really found that how do you vote no on something that the community, the Housing Authority, the people that are directly involved in the everyday happenings of the community are welcoming so much. It seems that they're excited about it and it seems like the Council Persons from the area did do due diligence in making sure that this is what the community wanted. I'm very excited for them. I think that it would be a benefit for all the residents of North View Heights Estates.

**Mr. O'Connor:**

Actually, I spent a lot of time in North View Heights as you may remember. Before I was on Council we started a shuttle system for -- to take people to the stores. It's a -- there's a lot of potential in that community, especially the athletic field, the money being spent to fix up some of the homes.

One of things I like best about the idea is cul-de-sacking a lot of the roads. I think it makes it safer for the children to play. It makes it a more intimate place to live outside of the other problems with bringing, you know, people cutting through and maybe some of the wrong elements just coming in and bothering the people. So I believe, and the people I've talked to up there, I think it will add to the community.

**The Chair:**

Thank you, Councilman. Other discussion? Hearing none, if you are in favor of the Bills, vote aye when your name is called. If you are opposed, vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	

(Mr. Ferlo, Pres't, abstained on Bill 2176.)

All the Bills have received the legally required number of votes and have been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2241:

Report of the Committee on Housing, Economic Development and Promotion for July 23, 1997, transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation:

Bill No. 2174:

Resolution authorizing the URA to acquire all the City's rights, titling and

interest, if any, in and to the publicly owned property designated as Block 126D, Lot 121 in the 14th Ward.

Which was read.

Also,

Bill No. 2201:

Resolution amending Resolution 228 effective March 18, 1993 as further amended entitled Resolution providing for the filing of a community development statement by the City of Pittsburgh for the U.S. Department of HUD for a grant in connection with the 1993 CDBG program so as to decrease line item in City Council, ARC House and add line item in the Department of Engineering and Construction, Spring Hill Firehouse renovations.

Which was read.

Also,

Bill No. 2202:

Resolution repealing Resolution 526 entitled Resolution providing for agreement with ARC House for minor rehabilitation, operating and administrative expenses at a cost not to exceed \$2,000.

Which was read.

Also,

Bill No. 2203:

Resolution amending Resolution 149 effective March 8, 1994 as further amended entitled providing for the filing of a community development statement by

the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with a 1994 CDBG program by reprogramming funds from City Council to the Department of Engineering and Construction.

Which was read.

Also,

Bill No. 2204:

Resolution amending Resolution 274 effective May 3, 1994 as amended entitled providing for an agreement with various community organizations for operation or administrative expenses for the benefit of the residents of the City of Pittsburgh at a cost not to exceed \$848,460 so as to reprogram funds in various programs and reduce the overall amount to \$831,572.

Which was read.

Also,

Bill No. 2205:

Resolution amending Resolution 377 of 1995 as further amended entitled for the filing of a community development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1995 CDBG program so as to decrease various line items in Council and reprogram these monies to the Department of Public Works, Crispin Field fence and the Department of Engineering and Construction, Spring Hill Firehouse renovations.

Which was read.

Also,

Bill No. 2206:

Resolution amending Resolution 950 effective December 22, 1995 as further amended entitled a Resolution providing for an agreement for various community organizations for operation or administrative expenses for the benefit of the residents of the City of Pittsburgh at a cost not to exceed \$1,190,000 so as to delete funding groups and add funds to other groups.

Which was read.  
Also,

Bill No. 2207:

Resolution amending Resolution 29 effective February 7, 1997 as further amended entitled providing for the filing of a community development statement by the City of Pittsburgh for the U.S. Department of HUD for a grant in connection with the 1997 CDBG program so as to transfer \$200,000 from URA line item Rental Housing Development Program to the Public Works and create a line item entitled Graffiti Removal.

Which was read.

**The Chair:**

You have heard the reading and title of the Bill. Is there any discussion? Hearing none, the Bills are now ready for final action. All in favor of the passage of the Bills will vote aye when your name is called. If you are opposed, vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	Mr. Ferlo, president.

**AYES      Eight      NOES      None**

All the Bills having received the legally required number of votes have been approved finally.

**The Chair:**

I do want to explain to the public that our final vote earlier on the budget amendments, we did, in fact, give final approval to an expenditure of \$125,000 for the Civilian Review Board which can be expended between now and the end of the year. I wanted to clarify that point.

**MR. HERTZBERG PRESENTED:**

Bill No. 2242:

Report of the Committee on Land, Buildings and Procurement for July 23, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation:

Bill No. 2171:

Resolution providing for the letting of contracts during calendar year 1998 for

the maintenance, rental, rehabilitation, renovation, inspection or servicing of personal property and for the maintenance and repair of buildings, structures or any other properties and for any miscellaneous services, estimated cost will be in excess of \$10,000, and to purchase without advertisement such materials, estimated cost will be less than \$10,000.

Which was read.

Also,

Bill No. 2172:

Resolution providing for the letting of contracts and the use of existing contracts for the purchase of materials, general supplies and equipment by various departments of the City of Pittsburgh during the calendar year 1998, estimated cost will be in excess of \$10,000, and to purchase without advertisement such materials, estimated costs will be less than \$10,000.

Which was read.

Also,

Bill No. 2199:

Resolution amending Resolution 984 effective December 31, 1996 entitled providing for the letting of contracts for the purchase of energy, facility and vehicle fleet software, training, maintenance and related equipment and providing for the costs thereof by increasing the amount by \$155,200.

Which was read.

The Chair:

You have heard the reading and title of the Bills. Is there any discussion? Hearing none, the Bills are now ready for final action. All in favor of the passage of the Bill vote aye when your name is called. If you are opposed, vote no. The Clerk will please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	Mr. Ferlo, President

**AYES      Eight      NOES      None**

All of the Bills having received the legally required number of votes have been approved finally.

**MR. COHEN PRESENTED:**

Bill No. 2243:

Report of the Committee on Public Safety Services for July 23, 1997, transmitting one ordinance to Council.

Which was read, received, and filed.

Also, with a negative recommendation:

Bill No. 1800:

An Ordinance amending the Pittsburgh Code, Chapter 525, towing charges, Section 525.02, Schedule of Towing Fees and Section 525.03, Fees and payment for special work.

Which was read.

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**The Chair:**

You have heard the reading and title of the Bill. Is there any discussion?

**Mr. Cohen:**

Mr. President, this has been a difficult issue for Council on the towing fees because on the one hand the City is losing money every day by not increasing these fees because we actually have to pay the cost to the vendor. But at the same time, I think many, if not all of us, have misgivings about the fact that there was only one bidder, even it was bid twice, and really believe that the whole process needs to be reviewed.

So with that in mind, I know Councilman Udin has taken a special look at this issue and I believe that he has an amendment this morning that he wants to suggest, so I would like to defer to him.

**Mr. Udin:**

Thank you, Mr. President. I've been in discussions with the Administration regarding these fees and I'm prepared to support the fee provided we get a written assurance that we will, during the course of the budget deliberations this year, totally reorganize the bid specification process so as to make the process more competitive than it is and that we get assurances from the Administration that once we do that, it will exercise its right to cancel the contract and put it out for re-bid.

On that basis, I would urge my colleagues to support the fee increase until we can get this thing worked out for the remainder of this year.

**Ms. McDonald:**

I will be voting in the affirmative on this Bill, this legislation, for no other reason except that it is needed. We don't really have a choice. This is one time that the City of Pittsburgh's hands are tied. It may have gone back a few years in terms of when we privatized, that's debatable. But nonetheless, hindsight is always 20/20.

What we need to do is to move forward, and under Councilman Udin's leadership as chair of the Finance Committee, hopefully we can possibly get a reduced cost that a subcontractor or contractor will charge us. But regardless, this year we do have to increase the fees.

I think the City needs to apologize to the general public and make a commitment that we will try, to the best of our ability, to ensure that even fines and penalties are livable.

**The Chair:**

Thank you. I hope we move quickly on this today because we've been remiss. We're losing \$5,000 a week. That's monies coming out of the City operating budget due to the burden of this contract. I'm all in favor of looking at rebidding the contract. But I'm not willing to do that until my colleagues also join with me in support of an earlier measure that I had to table a couple years ago, and that is for a basic certification and licensure requirement for tow truck operators in the city.

I resent the fact that we continue to have tow truck operators in the city that have criminal records, that have any

equipment that is unsafe, that interacts with the public inviolative of consumer rights, and I don't want those people bidding on this contract. And I would hope that parallel to any reorganizing and rebidding the work, we can also have a corresponding licensure bill to license properly operated -- which we have a significant number -- tow truck operators and companies.

But we have a lot of unsafe tow trucks out there running around our city, zooming down our city streets. A lot of them don't even have minimal safety as it relates to the vehicle. They don't have insurance. They don't maintain liability and a lot of other issues. And I would just hope that as a balancing act, if we look towards rebidding or reconfiguring this bid as it relates to towing by zones, or even reincorporating tow trucks in our own General Services Department -- which is what historically was taken away -- I think that's an issue that should be up for discussion also.

I'm willing to go back to the drawing board, but we've lost out \$5,000 a week in the last several months because we haven't come to closure on this. I'm pleased that they've moved quickly on this Bill today because I don't think it's fair for all these taxpayers to subsidize the insurance companies that are paying these towing fees anyway.

**Mr. O'Connor:**

With all due respect, I'll be voting no. I'm anti-towing. I think it's the worst thing we can do to tow a car in this city for ten minutes overtime parking on a Sunday afternoon when people come to the Regatta. I can tell you one year about four

years ago, the Regatta, there were 20 tow trucks lined up on a Sunday just to tow everybody.

I'm looking at the prices. They've almost doubled from \$125 to \$220 for buses and trucks and construction vehicles. That doesn't bother me. I don't know why we can't do that and why we have to have a 30 percent increase on the person who comes and visits the city or is at a doctor's and comes out and doesn't have enough money in their meter, or after four o'clock on certain roads, especially Forbes Street in Oakland. I mean, they just line up. If you're five minutes after, your car is gone. You might be visiting a doctor, you could be stopping in a business. So I'm anti-towing.

I was in the South Side for a football game at South Stadium last year, 9:30, the place was packed. All the tow trucks came and towed people. Why not give them -- if you want to give them -- if you want to balance the budget, give them an extra five dollars on a ticket or something, but don't tow their car unless it's really blocking a fire hydrant, blocking somebody's driveway. I mean, there are times when cars should be towed, but I think we over-tow and especially to balance our budget with this increase on the person who makes a mistake is unfair.

I'd rather -- again, I'd rather -- if you're going to tow them, give them an extra ten dollars and say this is a warning, we put ten extra dollars, or fifteen, we won't tow you this time, but you must pay it.

**The Chair:**

I have to respond quickly because I think you're getting a 30-second sound byte and it's unfair to characterize it as either for or against towing.

I think the issue you spoke about is accurate to some extent and that has to do with the policing policy and how the Administration handles certain cars that are parked in certain areas, whether it be at special events or the like.

But this Bill fundamentally is about whether or not we are going to take up stolen cars where we have a legal liability and obligation to take that car back to a safe haven until the owner or the insurance company deals with it. We have a lot of cars -- I know my office, we have cars that block entrances to hospitals, driveways, institutions, home owners and it's not fair to the home owner. At times they have to be towed. They have to be legally held accountable for that towing. We have a lot of cars that are broken down, numerous cars and trucks and vehicles and special vehicles, field trucks, you name it, that break down on bridges, get stuck in the tunnel, you name it. They have to be towed out by City government. And the issue is really whether or not the burden of that contract should be paid for by all the taxpayers or whether or not that burden should go to the individuals and/or their insurance companies.

So this Bill is basically paying for that. I sympathize with the issue that you are raising, but I think it's more an issue of what is our policing policy, and for that, I think we have to go back to the Mayor and the Commander.

**Mr. O'Connor:**

Well, that's part of it. But, also, why should they be passed on a 30 percent increase, just because there's poor management and poor negotiations. Again, why not take it to the table -- I can do it in a week, bring a couple of tow people around and say either get that price reasonable or find another company.

I agree with you, also, on the cowboys. We have cowboys on every corner. There was an accident at 7:00 in the morning and they couldn't find a tow truck, but three, four in the afternoon, they're all lined up waiting for an accident.

**The Chair:**

Again, the vote today is whether or not we want to maintain a revenue source in order to pay the burden of the contract and not have it taken out of the City operating budget.

I think Mr. Udin, Mr. Cohen and others are saying we need to look at this whole issue of how the City lets out its annual towing contract and maybe there's other ways that we need to look at doing it.

**Mr. O'Connor:**

Well, I agree with that and I respect what Mr. Udin is doing, but it shouldn't take a year.

**Mr. Ricciardi:**

Thank you, Mr. President.

Other issues have been raised and I'm going to just address them very briefly. First of all, the issue you raised, Mr. President, once again I'll revisit that issue.



If you recall, I opposed it several years ago because I thought it might be burdensome to license all the tow haulers. It might be burdensome to some of the smaller garages such as in my district. Mr. O'Connor has raised some other issue, for example, on Smithfield Street, on Forbes Avenue and that is, you know, the tow trucks are there and ready to move people out.

However, staying within the parameters of this Bill, obviously, I'm going to support this because someone needs to pay for the cost of towing. For example, in the South Side flats when people park on the sidewalks, I mean, those cars need to be moved. And it shouldn't be the General Fund is subsidizing that towing operation, but it should be the person who has really broken some sort of law. And parking, for example, where it's prohibited, so I'm going to support this.

Let me just say that this is a perfect example of privatization gone bad. And this is the reason I've always supported a partnership between public employees and outside contractors and vendors where you have competition and where, hopefully, you're still delivering a service. But once we got completely out of the business of towing cars -- as you stated, Mr. President, General Services got out of the business, you see what happened. Eventually the private sector will, you know, you'll divest yourself of the equipment, the manpower, the expertise, and eventually, the first few years, the price is right. But what happens if there's competition with the public employees, they'll eventually get you. And this is what happened. Perfect example of privatization gone bad.

I don't think it's going to occur any longer because we have a Bill sponsored by this body where whether privatization, public partnership, committees are set up. Unfortunately, we haven't had our first meeting because Mayor Murphy still has to appoint someone to the committee. But today I'll be voting in support of this, but we really have to look at the clear picture, and that is privatization and how much work are we going to give out to the private sector. Thank you.

**Mr. Cusick:**

I think we have really fumbled in regards to this contract. It seems to me that both the vendors have been somewhat harassed in doing what he considers or the City considers a good job. The vendor has been -- has made a significant investment in a contract that was given to him for five years. Unfortunately, the City did not provide or give the vendor the information that was probably needed to fulfill the contract.

When the Liberty Tubes was -- the improvements on the Liberty Tubes had started, the vendor was asked to leave the property which he used on this contract. He then made the investment to stay on and continue the contract and fulfill his agreement. And now the City is being asked to consider to leave him go. I just don't feel it's right. I think this gentleman was genuinely trying to fulfill his contract. I think that we need to genuinely try to fulfill our end of the contract. I don't think asking for one year is fair to him. I won't support something like that. I think that what we should do is give him the five years as we approved last year and allow him the opportunity to fulfill the contract.

So I would ask that Council just appreciate what exactly is going on here and understand that it was really out of a lot of people's hands.

**The Chair:**

There is no amendment on the table. This is approving the Bill, what the fees -- Councilman Udin raised the issue about a one-year review, which I heartily support, and the existing contract, I believe, is a three-year, legally binding contract between the General Services Department and the vendor.

**Mr. Cohen:**

Thank you, Mr. President. I think Valerie McDonald was correct in saying that our hands are tied. Our hands are tied in the sense that we are losing money every day, we are losing taxpayers' money everyday. We've got to put a finger in that dike so we've got to stop that flow out of the City.

At the same time there are misgivings, at least that I have, and I know some other members have, about the process. So I actually would like to recommend an amendment, Mr. President, along the lines that councilman Udin suggested. Unfortunately, we would have to waive the rule to do that. Let me just put it on the floor if I could, and that is the Administration shall immediately review and recommend improvements to the bidding process in order to encourage lower fees and more responsible bidders. The Administration will report to City Council within six months of enactment. That, at least I think, will send a message that we would like this process to be

improved, not to stop this current contract, because of the fact that are hands are tied.

**The Chair:**

We ask the vote be on the amendment. Motion to suspend the rules and a motion to approve this amendment for purpose of discussion.

All in favor?

Which motion prevailed.

**The Chair:**

Now, discussion on the proposed amendment.

**Mr. Hertzberg:**

I have no problem with the Amendment. I don't believe, I mean, it's well intentioned and it would be nice if it had a degree of success down the road. The bidding process could be examined and changes made, and I hear what Councilman Udin has said on the same point. Maybe it will work, my guess it won't.

I have to share in support of Councilman Ricciardi's comments because I think the bidding process has been examined in this case, has been re-examined, it has been bid, it has been re-bid. I think General Services did everything but stand on their heads to try and make this work.

The problem stems back to a viewpoint that privatization is the solution to all problems in the operation of government and it's not. A lot of times a solution to a problems in government is

really rolling up your sleeves and finding out what they are and correcting them rather than just bidding it out. What we created here with the privatization of towing was an operation that must, by necessity, be extremely large. It's extremely capital intensive and we're not in any position to recapture it either given everything else we're trying to do on our limited resources right now.

I think we're stuck with this situation, hopefully not forever, but if there is a way that perhaps Councilman Cohen and Udin can review this over again and maybe something's been missed and maybe something can happen. I'm supportive of the Amendment. And, unfortunately, I'm going to have to vote affirmatively for the fee increase. We bid, we tried over and over again to make it less expensive, we've been unable to and we have no choice but to raise these fees.

**Mr. Udin:**

I just want to underscore the comments about the privatization thing. The privatization issue really only works if there is privatization plus competition. But when you create a privatization situation where the private entrepreneur has a monopoly, we have a situation exactly like the one we have on our hands where the company can double the fee at no fear of being underbid by a competing company. That clearly doesn't work.

I look forward to working with the President in issues of certification and licensure. Had I been here a couple years ago when you introduced that legislation, you may have had an advocate to work with you. I look forward to working with you in looking at the whole question of

certification and licensure as a part of the revamping of the whole thing. And if it doesn't work, then maybe we ought to reconsider bringing it back inside and doing it in-house because of the amount of the money that is being paid right now to the owners and the operators. If that revenue was coming into the City, it may well justify the expenses. Although it may be a considerable capital outlay, it may well pay for that outlay.

So I'm willing to look at the entire restructuring of this very difficult and intractable problem, but I think it can be solved.

**The Chair:**

Before Mr. Cohen has the final word, one of the first budget battles eleven years ago with Mayor Caliguiri was the issue of tow truck drivers. I fought to keep the drivers and equipment as part of City government. I lost that battle eleven years ago and I think eleven years later we're seeing part of the problem as everybody has spoken very eloquently about.

I would just ask that your Amendment be inclusive enough to deal with the issues that Mr. Udin, Mr. Ricciardi and others have outlined about looking at other options as to whether or not City government itself should get back into some aspect of the towing business and/or subdivision of the city in zones so that the smaller, certified, licensed tow truck companies can partake and not have the overall capital burden and geographical burden that the current vendor has. And I can think of a lot of tow truck operations that could possibly benefit from that.

So I just hope that your Amendment, Mr. Cohen, is inclusive

enough in looking at all these different issues.

**Mr. O'Connor:**

I would support Mr. Cohen's Amendment. I think it's in the right track, but six months would be after the budget. I don't know if five months -- I would like to see it solved before budget time if that would be a friendly -- at least have an answer by --

**Mr. Cohen:**

I consider that a Friendly Amendment.

**The Chair:**

Let's try to focus in on the budget deliberation.

The Amendment is that we want some of this thought given to the budget deliberation.

**Mr. Cohen:**

Yes. I agree with much of what has been said. And Councilman Hertzberg's point that the Administration has already reviewed this is a good point. We all have really reviewed this. The problem is no one has come up with recommendations for improving it on the Administration side. I think members of Council did last Wednesday, had some thoughts on it with regard to possibly the City doing, Councilman Ricciardi. Others talked about the need to actually bring the smaller towers into a room and explaining to them how we want to have competition, we want to break the city down into zones. So the review part, I think, has already

happened. But I think the importance of this Amendment is that they actually should recommend improvements to City Council.

**The Chair:**

Any other discussion on this Bill or the other Bills? If you are in favor of the Bills, please vote aye when your names are called. If you are opposed, vote no.

Would the Clerk please call the roll call on Bill 1800 as amended?

**Mr. O'Connor:**

We didn't vote on the Amendment.

**The Chair:**

Roll call vote on the Amendment.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	Mr. Ferlo, President

**AYES      Eight      NOES      None**

**The Chair:**

Again, the Amendment was modified to deal with the budget deliberation time period.

Now, on the Bill which originally had a negative recommendation in the subcommittee meeting of last week, roll call vote on the Bill as amended.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo, President

**(Mr. O'Connor voted no.)**

The Bill having received the required number of votes has been approved finally.

**The Chair:**

Now, on the remaining Bills on the Subcommittee on Lands, Buildings and Procurement.

Also, with an affirmative recommendation.

**Bill No. 2131:**

Ordinance supplementing the Pittsburgh Code, Title One, Administrative, Article 7, Procedures, by adding Chapter 171, Department of Public Safety Training Exercise.

Which was read.

Also,

**Bill No. 2169:**

Resolution providing for a contract from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof, cost not to exceed \$50,000.

Which was read.

Also,

**Bill No. 2177:**

Ordinance enacting a new article under Title Six of the Pittsburgh Code entitled Citizens Police Review Board setting forth its composition, providing it with broad powers to investigate and study police policies and behaviors and establishing its functions, all subject to terms and conditions.

Which was read.

**The Chair:**

You have heard the reading and titles of the Bills, is there any discussion?

**Ms. McDonald:**

Yes. Mr. President, in response to Councilman Cusick's concerns last week with the police training legislation, there was a comment that he made that there needs to be more flexibility and latitude given to the police bureau to notify residents.

What I would like to do is make a motion to waive the rules of Council so that I can amend Bill 2131 to read as you have it in your packet, that advanced notice to residents of the set event, it won't just be limited to distribution of flyers, but it will read "through such means that will include, but are not limited to distribution of flyers," et cetera, et cetera.

**MR. RICCIARDI** seconded the amendment.

**The Chair:**

Why don't we suspend the rules when we don't have a written Amendment. You have a written Amendment, so there's a second on the written Amendment. Now, discussion on the written Amendment.

**Ms. McDonald:**

And I just --

Hold on a minute, Joe.

I would also like to thank Councilman Ferlo, the original sponsor of this legislation. These are Amendments that I've added, but it was Councilman Ferlo who put it into motion to address this incident and to make sure that we have legislation that would protect residents in the future through an ordinance.

**Mr. Cusick:**

I just want to thank the Councilwoman for making the changes. I think that all of Council would agree that training is very important and we do not want to, in any way, limit the type of training that needs to be done. But at the same time, we want the training to be responsible and have the community given the right notification. So I do thank you, Councilwoman.

**The Chair:**

Other discussion?

These are the Bills under Public Safety, by the way. I stated incorrectly that they were in the Committee on Lands, Buildings and Procurements.

**Mr. Cohen:**

I was wondering how we got the Review Board under Lands, Buildings and Procurement.

Just on this Bill, real quick, and then I have comments on one other Bill. I do want to commend Councilwoman McDonald for taking the lead on this issue. These issues, it often looks like there's an easy answer to it and that is just don't use pepper spray. The more you get into it, the more you realize that there are details. And this Bill does do that. I really think it will prevent incidents from happening, like the one that happened in Homewood a couple weeks ago.

But I do want to commend Councilwoman McDonald and yourself, Mr. President, for taking the lead in this legislation.

**The Chair:**

Thank you. Other discussion on the amendment?

**Mr. Ricciardi:**

Regarding the Bill itself, not the Amendment.

**The Chair:**

All in favor of the amendment?

Which motion prevailed.

**The Chair:**

The Amendment passes.

On the Bill and/or other Bills in the committee.

**Mr. Ricciardi:**

Thank you. I will be supporting the Bill today also as a courtesy to Valerie McDonald.

I am somewhat uncomfortable with it because I just believe that this should be a policy type of issue that could come from the Department of Public Safety itself, which obviously is under the leadership of the Chief. However, I understand the reasoning behind the legislation for, hopefully, in the future. So I'll be voting for it today.

But let me just say that I really believe that it's a policy issue and needs to be really addressed by our police officials, our police supervisors. There was a very embarrassing incident that occurred. I was not in town at the time, but I realize that a gentleman was big enough, adult enough, to take responsibility and apologize to the community and my apology to the community also for any inconvenience, or even more so, any type of ill effects on their health that could occur.

Again, Ms. McDonald, to be perfectly frank with you, I'm voting for this as a courtesy and because of the respect that I have for you, but I believe it is just a policy question, a policy issue, and I think that's the way it should have been handled from the beginning. Thank you.

**The Chair:**

Other discussion, Mr. Cohen, on the Civilian Review Board? Do you want to make a motion?

**Mr. Cohen:**

Mr. President, a motion to recommit the Civilian Review Board legislation so that we can discuss it tomorrow as we all agreed upon last Wednesday.

**Mr. Ricciardi:**

Thank you, Mr. Cohen. Obviously, I'm supporting the recommitment. I would hope that if the Administration has any Amendments, everything should be in writing tomorrow because this is a very historic, monumental piece of legislation. We have to make sure we get it right. So I would hope that everything tomorrow should be in writing.

Thank you.

**The Chair:**

And some of us would like it in writing today, prior to tomorrow, so that we can act according, because I'm still concerned about what they're up to and I would hope that by the end of the day they can contact Councilman Cohen, Mr. Udin, myself, yourself, Mr. O'Connor, Councilwoman McDonald, Mr. Hertzberg, Mr. Cusick. But I would think by now that they have the ability to write the written word and we need by the end of the day those proposed Amendments.

I hope that they are not going to be substantive to the extent that they undermine the basic character of the Bill that we now have on the table which had seven votes. So I would hope that we

don't have to revisit some of the fundamental issues that originally undermined the independent character of the board as the petitioners, the voters and the majority of council foresees.

Again, if we could get that information by the end of the day, if the Solicitor is listening, it would be appreciated.

Other discussion on other Bills -- and other colleagues. If other colleagues have Amendments, I think we want to revisit that issue or Mr. Hertzberg's Amendment and Councilman Cusick's Amendment, but we need some of this information this afternoon, if at all possible. It would be much appreciated.

Any other discussion? I do want to clarify, Councilman Onorato has written a memo. I want the record to reflect that he's out of town on family matters today and tomorrow. He will, obviously, be here next week, August 4, Monday, for a final vote on this Bill and any other major Bill that we have before us.

Now, on any other matter?

**Mr. Ricciardi:**

My understanding, and I think it's a fair understanding, the recommitment was not to revisit issues that were raised last Wednesday and voted on. Specifically, my Amendment, which some may or may not have liked, they passed, you asked for a vote. I felt it appropriate to give the vote and have seven members say that they support it, this as the baseline legislation and that we would take up additional issues tomorrow. So to revisit issues we voted on last week I think is going to be

extremely unfair. I'm not supportive of it. I'm going to let you know that right now.

**The Chair:**

Very good. Thank you very much. And again, my reference was primarily -- my comment was primarily to other colleagues who may have new Amendments in addition to the administration Amendments. If you have new Amendments, could you please let all of us be aware of them.

**Mr. Ricciardi:**

Mr. President, as a courtesy to all my colleagues, I want it for the record that I'm reserving the right, I am going to revisit a few of these issues that we passed last week, so I just want to make that clear so I don't catch anyone off guard tomorrow. Thank you.

**The Chair:**

I'm sure we will have a spirited discussion tomorrow at the Standing Committee meeting. In order to have that spirited discussion, let it be an informed discussion, so if any colleague is up to anything or has any constructive Amendment, including our illustrious Mayor and our Solicitor, please -- constructive -- please let us have the benefit of knowing that today so we can get around and have some discussion on it.

**Mr. Cusick:**

Real quickly, Mr. President.

**The Chair:**



Excuse me. Just as a procedural, let's just decide on this recommittal of this Bill at this time, just on this Bill, on the subject of recommittal.

**Mr. Cusick:**

I'm thinking about whether to pull my motion, Mr. President.

In reply to Mr. Hertzberg, I had always, I had every intention of bringing this back up this week because of the Amendments that were put forth by Mr. Hertzberg in the -- and what I've heard go around the table, it was always my intention to revisit the Amendment that I had put forward in regard to how many retired police officers could sit on the board and so that is still my intention. So I wanted to make you aware --

**The Chair:**

Well, procedurally, the motion that is on the table is for the recommittal of the Bill rather than having discussion on the actual Bill.

All in favor of the recommittal?

Which motion prevailed.

Again, if you have Amendments good, bad or indifferent, please get them around to our colleagues.

Now, on other Bills on this Committee of Public Safety, prior to a final vote, any other discussion on any of the other Bills?

**Mr. Cohen:**

Thank you, Mr. President. This is a Bill here on demolition. I just want to kind of say this as a preview. It's \$50,000 for demolition. Now, we have at any given time 1,200 buildings, mostly residential homes, in the City of Pittsburgh that have been condemned and need to be demolished. So \$50,000 is just a drop in the bucket. It's ridiculous. So just kind of as a preview, I obviously think we need to approve it, but it's an issue that I would really like us all to think about and visit at budget time to see whether we're satisfying our responsibility on demolition.

**The Chair:**

I assume the 50,000 was a further Amendment of a previous allocation of a significant amount of five hundred and something thousand, if I'm not mistaken.

**Mr. Cohen:**

It's not the total budget, Mr. President. I think the total budget, I believe, is about 300,000, but even that is really a drop in the bucket.

**The Chair:**

Well, that's why we need an annual budget debate on the allocation and the like.

Any other discussion?

**Mr. Ricciardi:**

Just regarding the demolitions. I think we also have to be pro-active before a structure gets to the point that we have to demolish. Hopefully we can intervene with the property owner, with the URA and maybe try to get it back on the market

through community groups, because I think we're never going to catch up with some of this demolition. And sometimes even in some parts of my neighborhood, once you start to demolish, it's a blighted condition. You know, you're not growing, you're not building, so maybe during the budget session we could even talk about some intervention before it gets that far.

**Mr. Cohen:**

I agree with Councilman Ricciardi.

**The Chair:**

Other discussion? All the Bills are up for final action. If you are in favor of the passing of the Bills -- excuse me, did we recommit the Bill?

**Mr. Ricciardi:**

Yes, we did.

**The Chair:**

Okay. On the remaining Bills, they are up for final action. If you are in favor of passage of the Bills, vote aye when your name is called. If you are opposed, vote no. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	Mr. Ferlo, President

**AYES**      **Eight**      **NOES**      **None**

All the Bills having received the legally required number of votes have been approved finally.

## **MOTIONS AND RESOLUTIONS**

**The Chair:**

Under motions and resolutions, colleagues, I did provide you with a copy of a letter from David Levdansky, who is the State Representative from the 39th District, written to me and to Council expressing desire to appear before Council in a post-agenda meeting. I encouraged him to do that.

He wants to be provided some opportunity in time to raise concerns about the Mon-Fayette Expressway/Southern Beltway. It is not a done deal; apparently it's far from that. And I thought it would just be easier, rather than him going around meeting separately with everybody. If there's no objection, I'm going to ask for a cablecast post-agenda meeting when we come back the first Thursday or Friday in September. So I'll facilitate that date with Mr. Levdansky.

**Mr. O'Connor:**

One problem I have with cablecast, if he throws up a lot of red flags, someone should be there to offset those red flags.

**The Chair:**

Well, we'll extend invitation to SPRPC, the Administration, PennDot.

**Mr. O'Connor:**

There's so many pros and cons on this thing.

**The Chair:**

I'm suggesting that we allow him the opportunity to go through his presentation, but that we also extend an invitation to any other interested party that is somehow involved in this issue. So if there's no objection, I'm going to be doing that. Stay tuned on that one.

Other matters to be brought before the body?

**Mr. Cusick:**

Just to give a brief history. On October '95, Pittsburgh Council passed a Parental Responsibility Curfew Ordinance which was signed by the Mayor on November 9, 1995, and it became law on November 14, '95. A year later, on November 11, 1996, the curfew took effect.

The press reported yesterday on the curfew committee report regarding the implementation of the Curfew Ordinance as required by Council after a six-month period review. Although there appears to be some obstacles to overcome by both officers on the street and the community, I believe the Ordinance has been successful.

Of the 200 9-1-1 complaints, there were only five repeat calls, and in those cases, the police cited those children. The others were warned to go home and apparently listened to the officers.

The statistics don't show how many times an officer asked a child to go home who may be violating a curfew or how many times a kid was going home before the curfew hours. If the Curfew Center

was filled with fifty plus children every night, I don't think that we would consider the Ordinance unsuccessful. What will prove this Ordinance successful will be seen in the statistics on how many crimes were perpetrated against and by youths during the curfew hours.

Of the children that were picked up and brought to the Safety Center system, there has been a high level of satisfaction by both the children and their parents. Three Rivers Youth is doing an excellent job in fulfilling the social services I envisioned.

I would like to arrange a meeting with Chief McNeilly, the curfew committee, Mayor's representatives, to try and figure out some different enforcement strategies and work on a better perception among the police in the community.

Mr. President, I just want to real quickly refer to the report done by the Curfew Advisory Committee and I think this is real important. Of all the neighborhoods in the City of Pittsburgh, the most calls came out of the communities that probably tried to show the most objection to the curfew. Crawford Roberts had 14 calls of the 200. Downtown, 25. East Liberty, 14. The Hill District, 33. Lawrenceville, 34. Manchester, 9. South Side, 11.

I'm real happy to see that because, as I said last year, Mr. President, that the people that were coming to the public hearings, the eight public hearings this body held throughout the city, were not speaking for the community. As we see in this report, there are a number of calls, people are starting to participate in the

curfew, are starting to recognize there are problems.

If you take a look at the report and the different crimes that are being made on our youth or being made by our youth, it is very upsetting to see that physical abuse is one of the high numbers, depression, alcohol and drug abuse is one of the high numbers, and the highest is runaways. Of the eighteen kids that were taken to the Curfew Center, 12 of them were runaways and we were able to return them to their home.

So I just want to say of the hundred some odd thousand dollars that we may spend on that curfew, I think they have been beneficial if only for those eleven kids, or the five that were physically abused, or the seven that went through some depression. Three Rivers is doing an excellent job in getting these kids and pointing them in the right direction. We're taking the right approach with this curfew. It has not been something that we have made into being a bad thing.

If you read at the end of the report, Mr. President, of five of the dispositions that were -- hearings that were given, one was postponed, one was postponed with 75 hours of community service, drug and alcohol evaluation, three days in Court with Judge Butler. Three others were guilty and they were all given 20 hours of community service. This is the type of curfew that we had envisioned and I think that we had all hoped for.

I think that each and every Council Person played a part in making this piece of legislation something that can work. I hope that the public, I hope that this Council, I hope that the Administration

does not get weary on how this curfew is working. I disagree with the Post-Gazette, I think that it's a bad headline. The curfew is not off to a slow start. The curfew is off to the start that we wanted it to be off to, a very cautious, but responsive type of social service program.

So I'm very happy and I'm excited about the report. I would hope that the police officers and the Chief would come up with some ideas on how we can try to number -- or list the number of children that we ask to go home each and every night. I know that that number is high. I have talked to officers, they say that, you know, for the most part, the kid may go down the block, but on the second warning, he knows that they are going to keep coming back and they're going to ask him to go home. We can't expect these officers to continue to just take kids down to the curfew centers. Yes, if they blatantly ignore the officer, take him down there. But we have to give them every opportunity to work prior to that happening. And that's what's going on. Yes, some officers don't want to be bothered, but for the most part, I think this has been a tool for parents, police and for the City to regain and rebuild our communities. Thank you.

#### **The Chair:**

Thank you. Our next legislative session for final action will be Monday, August 4 at 2 p.m. here in City Council Chambers. The regular Standing Committee meeting will be tomorrow at 10 a.m.

**MR. COHEN** moved to excuse the absent member.

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**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

With that, this legislative session stands adjourned. Thank you.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
MARY BETH DOHENY ..Acting Deputy Clerk

Pittsburgh, PA  
Tuesday, August 4, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)
Mr. O'Connor	

#### The Chair:

Good afternoon, everyone. We'd like to welcome everyone here in the Council chambers here this afternoon.

At this time, would you please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silent prayer so that justice will prevail this afternoon. We're very pleased that we have a young student here. In fact, she's the Councilwoman's daughter -- Councilman's daughter, excuse me, Councilman Hertzberg's daughter Kara

Hertzberg, she's eight years old, and she is going to be entering the 3rd grade at Elizabeth Seton Elementary School. She's going to lead us in the Pledge of Allegiance. Kara.

#### Kara Hertzberg:

I pledge allegiance to the flag for the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all.

#### The Chair:

Thank you. Thank you, Kara. Appreciate you coming down today from your summer vacation.

I know we have a lot of folks in the audience today, rightfully so, because we have an important landmark piece of legislation, the enabling ordinance creating what we hope is a historic creation of a Civilian Police Review Board, and we're very pleased that all of you are here today in attendance.

If you haven't been to Council meetings before, there are a number of items that we have to go through, and that bill will be coming up at the appropriate on the committee of Public and Safety Service.

I'd like to remind all of you, myself, my colleagues that this is not a courtroom, and while we recognize that this is not a courtroom, we want to maintain some order in the room. And I'm

asking you all to please cooperate with our colleagues. There will be some amendments offered and debated, possibly debated heavily and strenuously by our colleagues, that's their job. There's a lot of concern in the community and there are a lot of people in the audience that have strong feelings on the bill, rightfully so, including myself and all of our colleagues. So if you could just please be patient with the process this afternoon.

Again, it's not a courtroom, but it's not Market Square also. You have the opportunity to boo and to hiss and to clap all you want, but I hope you do that outside of chambers. We need to try to keep some order of the room and we need to be able to hear each other in order to have dialogue on any offered amendments that we can discuss. So please be thankful and appreciative of the struggle that we're going through or will go through shortly as we begin to finalize the enabling legislation on the Civilian Police Review Board.

At this time, we have no proclamations, I believe, and we will move to any matter of unfinished business or any report of any special committee. We will dispense with those at this point. And I would ask at this time we move to the reports of the committees, beginning with the committee on Finance and the Budget. Councilman Udin is the chairman.

## REPORT OF COMMITTEES

### MR. UDIN PRESENTED:

Bill No. 2244:

Report of the committee on Finance and Budget for July 30, 1997, transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2208:

Resolution transferring the amount of \$197,000 from various code accounts within the Department of Public Works to various code accounts. Transfer as necessary to cover salaries and premium pay costs;

Which was read.

Also,

Bill No. 2211:

Resolution providing for the issuance of a \$1,600 warrant in favor of Charles Smith in settlement of a claim for an accident involving a City police vehicle;

Which was read.

Also,

Bill No. 2212:

Resolution authorizing the transfer of \$100,000 from Code Account 46, Judgments, to Code Account 1075, Miscellaneous Services, all within the Department of Law.

Which was read.

Also,

Bill No. 2213:

Resolution authorizing the mayor and the City solicitor to enter into an agreement for the hiring of Council to assist in the representation of the City of Pittsburgh for outside legal counsel and consultants. Costs not to exceed \$100,000;

Which was read.

Also,

Bill No. 2214:

Resolution providing for an agreement with Hill Community Development Corporation to provide for the management, maintenance and operation of certain parcels of land in the 3rd and 5th Ward to be co-developed with the Hill Community Development Corporation as part of the Bedford Additions Hope 6 Program.

Which was read.

Also,

Bill No. 2215:

Resolution repealing resolutions approved on various dates authorizing the sale of properties in various wards of the City of Pittsburgh;

Which was read.

Also,

Bill No. 2216:

Resolution providing for the conveyance by the City of Pittsburgh of

certain property under Act 17 of 1984, Second Class City Treasurer's Sale and Collection Act;

Which was read.

Also,

Bill No. 2232:

Resolution providing for the issuance of a warrant in favor of the Pittsburgh History and Landmarks Foundation, an amount not to exceed \$5,000;

Which was read.

Also,

Bill No. 2233:

Resolution authorizing the transfer of \$75,000 from Code Account 46, Judgments, to Code Account 1075, Miscellaneous Services all within the Department of Law;

Which was read.

Also,

Bill No. 2234:

Resolution authorizing the Mayor and the City solicitor to enter into an agreement for the hiring of counsel to assist in representation of the City of Pittsburgh for review of the proposed merger of Duquesne Light with Allegheny Power, costs not to exceed \$75,000;

Which was read.

Also,



Bill No. 2235:

Resolution providing for the filing of a petition for the sale of certain properties acquired at tax sales in accordance with Act 171 of 1984, Second Class Treasurer's Sale and Collection Act;

Which was read.

Also,

Bill No. 2236:

Resolution providing for the conveyance by the City of certain property having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh City Source Associates Side Yard Program.

Which was read.

**The Chair:**

You've heard the reading and title of the bills. Is there any discussion?

Regarding Bill 2234, I'd like my comments brought forward. Today we are agreeing to expend the sum of not more than \$75,000. I want to thank the Mayor and the administration and the solicitor for their position on this. And this is involving City government in the opposition of the fight against Duquesne Light Company which is proposing to merge with Allegheny Power at a time when the state legislature has finally given us as utility electric consumers the opportunity to shop around and look at different company's utility rates. Low and behold monopoly capital in this town in the case of Duquesne Light and Allegheny Power moved quickly to remove that

option, the consumer option by creating the potential for a merger of Duquesne Light and Allegheny Power.

(See addendum for comments)

I think we should fight vigorously at the Public Utility Commission level both on the legal aspects of the members, and that's what this bill will be doing, we'll be hiring legal expertise to challenge the merger of Duquesne Light and Allegheny Power, but I also think we need citizen action and we need advocacy on the part of small businesses and consumers and rate payers here in the City of Pittsburgh.

But I think we should do everything we can do in our power to demand that the Public Utility Commission not approve the merger of Duquesne Light and Allegheny Power.

I would also ask that in conjunction with the passage of this resolution that we ask the PUC to meet here in the City of Pittsburgh. Too often the PUC meets in Harrisburg away from the rate payers of the utilities, in this case, Duquesne Light Company. We are offering public chambers for the PUC to meet when they begin to review the issues involving the merger of Allegheny Power and Duquesne Light. But I hope we are successful, but we can only be successful if we fight legally with the administrative law judge of the PUC, but also I think we need to mobilize people and businesses here in the Western Pennsylvania area. But there's no way that this merger will be beneficial to the consumers. We pay close to the eighth highest utility rates, electric rates of any municipality in the country. It is outrageous, it needs to be stopped, and I want to thank the administration for giving

us some of the legal resources to fight the good battle that will unfold over the next couple of months.

Is there any comments or discussion on any other bill under finance and the budget? If not, if you're in favor of the bills, you'll vote aye when your names are called. If you're opposed, vote no. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Cusick
Mr. Ferlo, Pres't.	

**AYES**      Nine      **NOES**      None

All of the bills having received the legally required number of votes have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2245:

Report of the committee on Planning, Zoning, and Land Use for July 30, 1997, transmitting one ordinance and one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1933:

An Ordinance amending the Pittsburgh Code Title Nine Zoning,

Chapter 921, by changing from R4 multiple family residence to R2, two-family residence, property bounded by Emerson Street on the northerly boundary line of Lot Two and the Venable and Kentucky Avenue, 7th Ward;

Which was read.

Also,

Bill No. 2231:

A resolution approving a conditional use exception under Section 99301 of the Pittsburgh Code, Title 9, Zoning, to Troy Hill Medical Associates for authorization to use a vacant lot located at 1412 Claim Street on property zoned R3 multiple family resident district as an expanding parking area for an additional five parking stalls for patients and employees of the medical office located at 1622 Laurie Street in the 24th Ward.

Which was read.

**The Chair:**

You've heard the reading and title of the bills, any discussion?

**Mr. Cohen:**

Thank you, Mr. President. I'd like my comments brought forward on Bill 1933 regarding the rezoning in Shadyside of the Venable Estate.

I want to thank members of Council who voted on Wednesday who voted for this rezoning. Albeit with an amendment that it would take effect in six months. I believe that this gives an

opportunity for the developer to sit down with the neighbors and work out a resolution. Because we all know that there is a resolution that can be put together that would both satisfy the developer and allow him to get a fair market return on his investment, but at the same time not undermine the neighborhood over there. So hopefully this will pass with a needed seven votes, but I'd like to ask the developer and the neighbors to be able to sit down. I offer myself as a mediator and make sure that we come up with a resolution that's in the best interest of the community.

**The Chair:**

Thank you, Councilman. Other discussion?

**Mr. Ricciardi:**

Yes, thank you, colleagues. Obviously I'm voting for the rezoning. I just want to thank Mr. Cohen for moving forward on this. I did speak to Mr. Cohen several times on this, and I really want to make this part of the record, Mr. Cohen, that I was prepared to vote for the rezoning without the one-year time frame. I really want to make that part of the record because I believe in your original legislation without the amendment I just believe we're protecting the integrity and the character of a very important residential community, and I understand why you needed to do it in order to be successful with your rezoning, however, for the record I would have supported it without the one-year time table. Thank you, I appreciate it.

**The Chair:**

Any other discussion? Hearing none, if you're in favor of the bills, vote aye when your names are called, if you're opposed, vote no. Will the Clerk, please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Cusick
Mr. Ferlo, Pres't	

**AYES**      **Nine**      **NOES**      **None**

All of the bills having received the legally required number of votes have been approved finally.

**MS. McDONALD PRESENTED:**

Bill No. 2246:

Report of the Committee on Housing, Economic Development and Promotion for July 30, 1997, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2237:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a tax incremental financing proposal for portions of North Oakland redevelopment area.

Which was read.

**The Chair:**

You've heard the reading and title of the bill, is there any discussion?

Again, as we discussed, at the committee level, I know residents of North Oakland have written to me and other colleagues. This bill, if we approve it, only allows the URA to continue the process of creating a potential tax increment financing of a particular building in the North Oakland corridor. It does not give approval to the development project which Councilman Udin and the residents have raised a number of questions about. This is just continuing the process in order to have discussions with the School Board and the County. No action by this Council will be taken until such time that we have a formal public hearing and a considerable amount of information is conveyed to this Council.

**Mr. Udin:**

Thank you, Mr. President, I just want to acknowledge for the residents, especially those residents of Schenley Heights and North Oakland who may be observing this process that this only allows the City to move forward with the series of public sessions and hearings that will allow opportunity for resident input concerning this project. There is considerable concern and controversy around it. The residents have been very clear about what the conditions are for their support of it. And today's action in no way legislates and allows the action to go forward, but it's part of the process that will allow resident input and action on this tax increment financing project.

**The Chair:**

Thank you. Other discussion? Hearing none, if you're in favor of the bills, please vote aye when your names are called, if you're opposed, vote no. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Cusick
Mr. Ferlo, Pres't.	

**AYES      Nine      NOES      None**

The bills having received the legally required number of votes have been approved finally.

**MR. HERTZBERG PRESENTED:**

**Bill No. 2247:**

Report of the Committee on Lands, Buildings and Procurement for July 30, 1997, transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

**Bill No. 2096:**

Resolution providing for the Mayor, the Department Director of the Department of General Services and the Director of Finance to authorize the sale of certain parcel of real property and structures located at 344 Boulevard of the Allies in the 1st Ward City of the

Pittsburgh to the URA for an amount not to exceed \$100,000;

Which was read.

Also,

Bill No. 2170:

Resolution providing for an agreement of lease with 564 Forbes Associates for space together with the right to use in common with others common in the Manor Building for a term for one year and providing for the payment of the costs there of;

Which was read.

Also,

Bill No. 2227:

Resolution providing for an agreement or cooperation agreement with the Department of Personnel and Civil Service for the relocation of the Single Point of Contact Offices in the John P. Robbin's Civic Building for a term of three years at an annual rent not to exceed \$97,994.

Which was read.

Also,

Bill No. 2238:

Resolution providing for a contract or the use of existing contracts for various energy related costs reduction projects for the Department of General Services at a cost not to exceed \$50,000;

Which was read.

Also,

Bill No. 2229:

Resolution authorizing the Mayor and the director of the Department of Finance and General Services on behalf of the City to execute an amendment to a supplemental agreement providing for a lease to the County of Allegheny County of the 6th floor of the City-County Building extending the term to a date not later than December 31st, year of 2000 and maintaining the rent at an annual amount of \$240,000.

Which was read.

**The Chair:**

You've heard the reading and title of the bills, is there any discussion?

**Mr. Cohen:**

Thank you, Mr. President. On Bill 2096 regarding the fire station, I want to thank Council for its support for this and also Councilman Udin for working on this as well. What we did was we took an original bill in which the Urban Redevelopment Authority was going to develop this property and change it to allow for bids on this property, and that's the right thing to do, to allow the private sector to bid on it and see what bids we get. I think that that's better than jumping to the conclusion that the Housing Development Corporation ought to develop it and I thank Council for its support on that. Now, this bill would include either commercial or residential development and it will come back to Council for our approval.

**The Chair:**

Just on this point, we made it clear, I thought by majority vote at the standing committee that we want to request for proposals to go out and receive proposals either for residential and/or commercial. The bill explicitly only states residential housing. I don't know that we need to amend it, but the administration has committed themselves to leaving it open-ended and to receive and all --

**Mr. Cohen:**

We definitely voted, Mr. President to allow --

That's not reflected in the bill that's on the table, at least on my agenda. But just so we're clear, we will correct the bill. I believe the majority wanted the request for proposal to go out. Councilman Udin even reiterated that he thought we actually voted on it prior to this past standing committee meeting. So we will correct the bill, but in voting today, we are voting on RFP to go out but to allow proposals either for residential and/or commercial usage of the Boulevard of the Allies firehouse station.

**Mr. Cohen:**

I agree.

**The Chair:**

We will correct the bill.

**Mr. Cusick:**

On Bill 2227, Mr. President, I just want to make -- I think Council needs to pat itself on the back. Again it proves that

the system does work. The bill came in front of Council for \$500,000. What I look at was a give away and we turned it into \$300,000 benefit to the City. I think that a lot of good ideas came up during this debate or talk. There's a lot of City-owned buildings, not only in your district, Mr. President, but in other council member's districts. I hope you keep those buildings in mind as we see more leases come through the City, and I hope the administration and the director of General Services also keeps in mind and uses this piece of legislation as an example of how we can benefit from some of the Federal agencies that want to rent space here in the City of Pittsburgh.

**Mr. Onorato:**

First I want to applaud the administration for taking Council's recommendation on 2227. Councilman Cusick is absolutely right. When we first suggested this at a committee's meeting three or four weeks ago, we were told that legally it was impossible, but now we see this actually being done, and instead of paying almost \$100,000 out to a third party, it appears that we have some of the money coming back into the City coffers or at least through one of our authorities at the John Robbins Civic Building. But my question is on 2170, and this -- and I apologize for being out of town last week but this bill has been up in front of us about three weeks and I was here for two previous discussions, and it appears that we are moving forward to lease space in the Manor Building for \$63,000 for OMI, and I know the discussion was why aren't we -- and this is for a one-year term, why aren't we putting OMI into the firehouse location on the Boulevard of the Allies saving the \$63,000 and we are waiting for

an answer. Did that come up at last week's meeting, that we could not do that? If somebody could elaborate, I'd appreciate it. If not, I'm still going to vote no today, because I think once again this is an example of money that we do not have the ability to continue to pay out to third parties when we have adequate space in our facilities and we could be saving this type of money over and over again.

I know it's only 63,000, but if you start adding up 63,000 here and there and all these other contracts that we have for space outside of City-owned property, it turns out to be a significant amount of money. And what time is better than now to change the policy of the City. Mr. President was the issue of fire station on the Boulevard of the Allies addressed at last Wednesday's meeting?

**The Chair:**

I think to some extent. Councilman O'Connor, do you want to respond?

**Mr. O'Connor:**

I brought it up, but I was not satisfied with an answer. I think Deborah Miskovich made our request but never came back with the proper answer from OMI.

**The Chair:**

I think part of the issue was the highest and best use potentially of the fire station is to look at possibly residential and/or commercial development as well to recoup some of the income from the building and to get rid of the financial obligation that an empty building

represents to City government. I think that was coupled also with the urgency of trying to locate OMI facility outside of the police building pursuant to the consent decree, so I think there are a lot of issues driving this action. And, you know, we had raised, along with myself as you're aware, we had raised issues about the Spock space and this OMI space. But in light of where we're at right now, I think it's the best situation to move forward and look at RFPs that might come in on the fire station and give OMI an opportunity to have space independent from the Police Bureau.

**Mr. Onorato:**

I would --

**Mr. Hertzberg:**

Mr. President, can I respond?

**Mr. Hertzberg:**

What Director Miskovich said was when OMI was shown that building previously, they had not felt that it could work for them. But Deborah Miskovich said what she is going to be doing is continue to try to work because she's not -- she's not at all convinced that that's the case. She's going to take them back there and try to work that out for them to go into the firehouse, at least on a temporary basis. And the legislation authorizes but does not require her to enter into the agreement with the Manor Building, so she felt she would have the flexibility to try to work something out here. And If she really believed that the building couldn't work then they can go into the Manor Building.

**Mr. Onorato:**

That's why I would ask -- I would urge my colleagues to vote no because we're giving up all leverage that we would possibly have if we give the authority today. And I want to stress again that this bill in front of us is for a one-year lease, it was very temporary. And Director Miskovich made it clear two Wednesday meetings ago that the firehouse on the Boulevard of the Allies was already billed out for office space for a previous use. It is vacant, it already has cubicles, it has the desks. It's for a one-year period, and this would not interfere with the bids that we are talking about going out to get a good offer on the building, we want to sell it, because that's going to take at least a year. We're looking for temporary quarters. I just can't understand why we're just going to throw \$63,000 to an outside source at the Manor Building when we have City space sitting two blocks down the road on the Boulevard of the Allies. I will be voting no, and I would hope that we continue to vote no until OMI spends at least 12 months in that building and then come back for a long-term of where we want OMI and have the proper lease that we need. I just think it's a waste of money.

**The Chair:**

Any other discussion?

**Mr. Cohen:**

Thank you, Mr. President. I support the legislation with all due respect to my colleague. And the reason I do is, No. 1, OMI did report to director of General Services that the fire station was not suitable for their needs. We haven't seen that in writing, but twice Director Miskovich said that the acting head of

OMI looked at the place and said that it wasn't suitable for their needs; no. 2, I do think that there is a problem of putting OMI in a police station. And you know, it may be seen as a perception problem as opposed to a reality problem but it still is a problem; and No. 3, we can get a lot more money for that station if we ask for bids and either have residential or commercial use at that site.

**Mr. Onorato:**

Mr. President, I want to stress, again, that is not a police station. I know SWAT was temporarily there, but for its 100 year history, that has been a fire station. It is vacant. If OMI goes in there, you are not going to have a police station there. It's a vacant building as we speak, a vacant building with desks, with cubicles that is sitting vacant. Any possible proposal that is going out for bid on that building, there's no way within the 12 months we're going to be selling this building. It's going to sit vacant. It's an opportunity to save \$63,000. And remember, this lease in front of us is only for one year in the Manor Building. We have the space for the year. To put OMI down there, I don't even know what the closest police station is to the Boulevard of the Allies. There's no police around it. The Public Safety Building -- the old Public Safety Building has now been shifted to the Municipal Courts Building, so there is no police station or a group of police officers running through this building. It is vacant, and that's why I think it should go there.

**The Chair:**

Well, unlike some directors who come to the Council table on Wednesday



and either tell half truths or don't give a full picture or outright just BS to Council, I think Director Miskovich has established a track record of coming to the table and being accurate and truthful. And given the way she handled the relocation of the Spock office, saving us a lot of money and getting some money back into the general operating budget from a federal grant and actually enabling the Spock office to be in a better location, 200 Ross Street. I got to take her on her word that she did a lot of hard work in helping OMI figure out what's the best location. So on her good judgment, I'm going to support the resolution today.

**Mr. Ricciardi:**

Thank you, Mr. President. I'm going to be consistent. I had stated I don't believe we should sell the Central Business District fire station building, and the reason was, even though Mr. Cohen came up with some very good ideas regarding development, I think some day we're going to need another fire house in the Central Business District, and thus I always state in the interim that OMI can be stationed there. So obviously I'm opposed to the selling of the station. I'm also opposed to sixty some thousand dollars, I believe \$63,000 paid into the private sector where we could save the dollars. So I think OMI should be housed --

**The Chair:**

You're voting no on both bills?

**Mr. Ricciardi:**

I'm voting no on both.

**The Chair:**

Any other discussion?

**Mr. O'Connor:**

I agree with what you said about Director Miskovich, when she was at the table, I agreed to a preliminary vote of yes, but she was supposed to exhaust all efforts to still put OMI there. Because of the short notice, we have the month off, we can't vote. By voting for this, we don't finalize the agreement. She in the short term --

**The Chair:**

If we vote yes today, we're finalizing the rental of the Manor Building, yes.

**Mr. Onorato:**

It's out of our hands.

**The Chair:**

It's out of our hands. We are not finalizing the fire station building which we have over a year to receive requests for proposals and it would come back to Council.

**Mr. O'Connor:**

I believe Director Miskovich --

**The Chair:**

Mr. Ricciardi's point is that we are locking in the Manor Building rental for OMI.

**Mr. O'Connor:**

I believe Director Miskovich did not finalize, this is just giving her the okay.

**The Chair:**

I think if we approve it today, we're going to rent the building for OMI.

**Mr. O'Connor:**

Well, I can't vote for it because I didn't receive anything. Again -- everybody is supporting the idea to put OMI in that building if it's possible. If it's not possible then we're again -- then so be it.

**The Chair:**

Well, we -- at least some of us are taking Director Miskovich on her word that she explored the OMI option and it's not practical or conducive for a number of reasons.

**Mr. O'Connor:**

If my memory serves me, she was still exploring and she did not get an answer back. I brought it up -- actually I came in late to that part of it and I brought it up and she did not have a definite answer back from O -- she did her part, but she did not have an answer back from OMI.

**The Chair:**

Well, it's up to the body, I mean I -- unless you recommit the bill and see over the month of August if some better deal comes up, but I'm concerned about the consent decree and the obligation the administration has for the OMI location

and there's still the possibility PWSA or some other public agency could look at the fire station and come up with a deal for us too. So -- I'm in favor of moving ahead and giving the benefit of the doubt to the administration on this point, but I'll go with the wishes of the majority.

**Mr. Cohen:**

Mr. President, I would ask that we vote this up or down and not recommit it because of the consent decree. The consent decree gives, as you know, very tight time tables and we are under a Federal judge order to have OMI up and running. If we were to recommit this and we wouldn't address it again for another month, I don't think that would be the right thing to do. So let's vote this up or down.

**The Chair:**

Others who have not spoken on the issue yet? Any other discussion. Any colleagues?

**The Chair:**

The motion on the floor, all the bills have been read. Councilman Ricciardi is indicating he's voting no on at least two bills he feels are related. I believe Councilman Onorato votes specifically no on the Manor Building. So if there's no other discussion, if you're in favor of the bills you will vote aye when your name is called. If you're opposed, vote no. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen  
Mr. Hertzberg  
Ms. McDonald  
Mr. Cusick

Mr. Ferlo, Pres't.  
Mr. Udin

(Mr. O'Connor, Mr. Onorato and Mr. Ricciardi voted no on Bill 2170. Mr. Ricciardi voted no on Bill 2096.)

All of the bills having received the legally required number of votes have been approved finally.

**MR. CUSICK PRESENTED:**

Bill No. 248:

Report of the Committee on Parks, Recreation and Youth Policy for July 30, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2096:

Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to change the name of Baseball Field No. 4 on Brighton Woods Road to the Frank Catarall field;

Which was read.

Also,

Bill No. 2197:

Resolution authorizing the Mayor and the director of the Department of Parks and Recreation to dedicate a memorial plaque in Herschel playground honoring Mary Lou Daniels.

Which was read.

Also,

Bill No. 2226:

Resolution authorizing the Department of Parks and Recreation to enter into a cooperation agreement in providing for the transfer of the amount not to exceed \$50,000 to the City of Pittsburgh equipment leasing authority for the purchase of two vehicles for the use by the Department of Parks and Recreation Senior Interest Program.

Which was read.

**The Chair:**

Any discussion?

**Mr. Cusick:**

Just on Bill 2197. I'd just like to thank Mr. Hertzberg for sponsoring this piece of legislation along with myself for a person that has dedicated years of service not only to the Elliot, West End, and all of the City of Pittsburgh and became a very close and dear friend of myself. After her passing only two months ago, her husband also passed away, Jack Daniels, as you probably know. And I hope that we'll be coming back in the next couple of months with Mr. Hertzberg's help and the F.O.P. in honoring her husband. Both did a wonderful service to the City and to all the communities in the City. That's all, Mr. President.

**Mr. Hertzberg:**

Thank you. It's my privilege to be involved in the honoring of Mary Lou

Daniels who was a great community activist in City Council District 2 and particularly in the neighborhood of Elliot where we are going to be locating this plaque.

**The Chair:**

Any other discussion? You've heard the reading and title of the bills. No other discussion? If you're in favor of the bills, vote aye when your names are called, if you're opposed, vote no. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Cusick
Mr. Ferlo, Pres't.	

**AYES**      Nine      **NOES**      None

The bills having received the legally required number of votes have been Approved finally.

**MR. COHEN PRESENTED:**

Bill No. 2249:

Report of the Committee on Public Safety Services for July 30, 1997, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2177:

An Ordinance enacting a new article under Title 6 of the Pittsburgh Code entitled Citizen Police Review Board setting forth its composition providing it with certain powers to investigate and study police policies and behaviors and establishing its functions all subject to certain terms and conditions;

Which was read.

Also,

Bill No. 2195:

Resolution providing for an agreement with the Pittsburgh Mediation Center for professional services at a cost not to exceed \$20,000.

Which was read.

**The Chair:**

You've heard the reading and title of the bills, is there any discussion?

I don't think there's any opposition to the contract with the Pittsburgh Mediation Services. Most of the issue today is Bill 2177 regarding the creation of the Civilian Police Review Board. At this time, I'd like to call on either Councilman Hertzberg or Councilman Cohen. A number of us by majority have offered specific amendments on the bill on behalf of five of us, Councilman Hertzberg, Mr. Cohen.

**Mr. Cohen:**

Thank you, Mr. President. If you recall at the least meeting —

**The Chair:**

Just as a point of order.

Mr. Cohen:

Yes.

The Chair:

If any colleague has amendments, we need them in writing. The Chair has two amendments that are to be debated. The majority of us have submitted a bunch of amendments, and Councilman Onorato, I believe, has one other. Are there any other amendments?

Today we need all amendments in writing. We're not going to suspend the rules.

Okay. There's two sets of amendments to discuss.

Mr. Cohen:

Thank you, Mr. President. Again, last week Councilman Udin asked that Councilman Hertzberg and I meet with respect to one of the items under powers and duties of the Board. And that is Subsection M dealing with directing personnel in production of documents. Councilman Hertzberg and I met this morning and we have come up with the compromise amendments. Amendments which I do not believe compromise in any way the principles of an independent Citizen Review Board, and I'd like to turn that over to Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. What the -- the amendments are in front of you and because there have been so many

amendments, you have to pay attention here.

The amendments that are being proposed now are those that are in bold print as well as being underlined. And what they would do -- what they propose to do, first of all, is in the area of the mediation. I just wanted to be sure the language was clear and not tilted in favor of either police or of complainant. To just state, though, if either does not want to be involved in mediation, then there will not be mediation, because you can't do mediation without two parties.

Next, moving onto the next page. I believe effectively accommodated both the concerns of Council members Ferlo, Udin, McDonald as well as the solicitor, in the language on the presence of police in both the investigation phase and the public hearing phase by providing that they -- the police bureau will cooperate and make good faith efforts to accommodate requests for their personnel, and in the event of a subpoena for personnel, and the same thing relative to a subpoena or request for an individual at a hearing.

And the final amendment in front of you is, I believe, what was a clerical error previously as to the effective date and when we will have -- the Mayor will have to appoint the members which will be 30 days prior to the effective date of this, which is November 1st. And I would just implore all members of Council, and from what all I've seen from all the other amendments that are floating around out here, virtually every single one of them has already been discussed, already been voted on, and I think it's time for Council to come together.

I think five of us have been able to come together to resolve this final issue. We voted on every other issue. We know we don't agree a hundred percent on things, but we've gotten this far. I think this is where it should stay. I hope this is where it should stay. And I want to tell certain members of Council that if they think they're going to change my vote on a number of law enforcement people that are on this board by playing some kind of game, they're not going to do it, and I'm going to tell you that right now, and I'm going to ask you to hold those amendments and quit putting the same ones on the table and stick with this. I think this is a fair compromise among everyone, and it's the only issues that we haven't dealt with, it's the only issues that haven't been resolved, and I'm just pleading with everyone stick with this and let's not get off track. Thank you, Mr. President. I offer these amendments.

**The Chair:**

Thank you, Councilman. Hope springs eternal, but we cannot limit the Council member's right to offer an amendment.

On behalf of the four of us as co-sponsors, I would ask my colleagues to please support the amendments in writing that you have before you. They're basically arguing about semantics, they have nothing to do substantively with the content of the bill, some of which has already been greatly debated and already resolved.

As Councilman Hertzberg has stated, we hope it stays resolved and that a few substantive issues do not rear their ugly head again, but that's probably being

overly optimistic. Every colleague has the right to the last minute to offer amendments, even if I don't happen to agree with them.

So having said that, I did want to clarify that last issue was more of an inconsistency the assistance coalition pointed out, an inconsistency as it relates to the effective date and creation of the Board would be effective November 1. This amendment is to clarify that we would like the members in place by November 1. So we're asking that the finalization of the nomination process take place no greater than 30 days prior to the November 1 starting date of the Ordinance and the Board. Any discussion that are on the amendments that are on the table now?

**Mr. Onorato:**

Mr. President, or maybe Mr. Cohen or Mr. Hertzberg, are we voting on all of the amendments that were handed out?

**Mr. Cohen:**

Yes.

**Mr. Onorato:**

That the five of you are sponsoring?

**Mr. Cohen:**

Yes.

**Mr. Onorato:**

Okay. We're not taking them one at a time, it's the whole package?

**The Chair:**

We would like to vote them up and down.

**Mr. Onorato:**

First of all, I'd say that I am supporting this package. Reading through here, I think it does clarify a few of the fuzzy areas, gray areas, whatever you want to call it, particularly under Section 662.05 M1, letter M, where you add the words accomplish these goals you add and consistent with limitations of 661.03. To me that is important because it makes reference back to the limitations that do exist with state law, federal law and other legal protections that any individual shall have, be it a civilian or a police officer.

I also like the words -- changing from words like direct to request and make good faith efforts. I think that what this does is address the issues that were debated on Wednesday. I recognize there is an argument on both sides of what actually can be done when someone's subpoenaed, and recognizing the rights of everyone involved in any particular hearing that might follow the passage of this type of bill. So in that case, I think the amendment definitely improves the legislation and I will be voting in favor of all these suggested amendments at this point.

**The Chair:**

Just to be clear, our bill right from the beginning independently of the Mayor's own amendments that came over, our bill has always had the language in it that whatever this Board does has to be consistent with city, federal and state law statutes and policy. That has been part of

our language right from the beginning of this bill. We don't mind repeating it yet for another 15 times.

**Mr. Onorato:**

I appreciate you repeating it again this amendment.

**Mr. Cohen:**

I don't think Councilman Onorato meant to just say one part of it, but I do want to clarify this. It just doesn't say request, it says request or subpoena, which is obviously an important point, that the Civilian Review Board under this would have the ability to subpoena witnesses and subpoena documents. It says request and subpoena. I just want to make that request or subpoena, rather, I just want to make that quite clear.

**The Chair:**

Other discussion? And again, the Board explicitly will have the power to subpoena. The fact that it may issue a request, initially who cares. Other discussion?

**Mr. Onorato:**

One final comment. I don't think anyone here was debating the issue of subpoena because that was on the 72 words that was on the ballot. I think the real issue came is what happens when somebody is subpoenaed and they're going to be questioned, either an individual or subpoenaed documents. That's where the whole debate has been the last two weeks of what exactly does subpoena mean. And the reason I'm supporting these amendments, and Councilman Cohen is

absolutely right, it does say request or subpoena, but it also follows up with shall cooperate with — Police Bureau shall cooperate with and make a good faith effort. There are additional words put in there that make me feel more comfortable. And once again, I want to thank the sponsors of the amendment for at least clarifying what they said the bill originally was supposed to do and I applaud them and I support the amendment.

**The Chair:**

I was reacting, Councilman, to Mayor's comments on the radio following last week's meeting where he incorrectly stated that we, the majority, somehow in the drafting of this bill were requiring that police officers testify against their Fifth Amendment rights, which is nothing that could be further from the truth. We're not creating anything special for the police officers. We're just asking police officers be held as the same standard as any citizen or anybody else who appears before this Board. They take the Fifth, they have the right to take the Fifth, that's their constitutional safeguard, but if they don't, they have to give a legally plausible reason as to why they're not testifying. If they don't, we want to make sure the Civilian Review Board has the power to go to a Court of Common Pleas or appropriate jurisdiction to make sure that they respond. Other discussion?

**Mr. Cusick:**

Real quick. I'm going to support the amendment, too. And the reason I'm going to support it is because I think it's really going to fall in the hands of the courts to decide whether or not that individual has to honor that or has to speak

up at that hearing. I don't think it's for -- really for this Council to decide. I think that's what the judges get \$100,000 a year are paid to do. So I'll support it just for the fact that I believe that the F.O.P. will challenge it and the courts will have to make a decision.

**The Chair:**

Other discussion on the amendments as proposed? Hearing none, roll call vote on these amendments in writing you have them.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Cusick
Mr. Ferlo, Pres't.	

**AYES**      **Nine**      **NOES**      **None**

**The Chair:**

The bill is amended. I would hope we have no other amendments at this time.

**Mr. Cusick:**

I do.

**Mr. Onorato:**

Mr. President, I think I handed you my amendment.

**The Chair:**



I don't have a title on it. Whose amendment is the amendment on the --

**Mr. Onorato:**

Section 622.05, Item J.

**The Chair:**

662.05 whose amendment is this?

**Mr. Onorato:**

That's the one I gave at the beginning of the meeting. I understand this was debated maybe not in this amendment form, but substantively last Wednesday. Once again, I was out of town, so I'm just presenting --

**The Chair:**

Would you please just read the amendments so --

**Mr. Onorato:**

Sure.

**The Chair:**

-- we're all clear.

**Mr. Onorato:**

It's under Section 662.05, which is titled Powers, Duties and Limitations of the Board, Item J, and it's only part of Item J, and I want to flip to that right now. The bill here, and it's really the last sentence of Paragraph J, it's not all of J, it's the last sentence of J, the amendment is just deleting the last sentence, and I will read the last sentence: However, comma, if any person subpoenaed by the Board refuses to

testify without legal basis, the Board may apply to the Allegheny County Court of Common Pleas for an order enforcing the subpoena. And the reason I'm presenting this forward and my belief why it should be removed is that, first of all, I don't think that it really has any legal bearing in here, and therefore, the reason I want it out is that I think what it does is just raises red flags for either intimidation purposes or whatever reason. The individual -- the Board members will have the right to go and try to enforce the subpoena power regardless if this language is in there. If somebody subpoenaed and refuses for whatever reason, and if it's not the Fifth Amendment right, just sit there and don't want to testify, the Board will have all legal recourse that anyone would have with subpoena power to move ahead. I don't think this type of language has to be in there to spell out what has to be done. I mean, what the Civilian Review Board does with somebody refusing to respond is going to be up to the Board at that point. So I'll put this amendment forward to delete the last paragraph of Subsection J.

**The Chair:**

I would hope that we vote this amendment down. I know the colleague was away on personal matter, but we already changed this language last week from the words shall to may. It is completely contradictory on one hand to say we're going to support the language of the charter, we're going to support the voters, we're going to affirm the wishes of the electorate as it relates to the Civilian Review Board having subpoena power, and then in the other breath say, well we don't want them to have the power to go to court and enforce it. That is completely contradictory.

**Mr. Onorato:**

That's not what my amendment says.

**The Chair:**

Your -- I would ask my colleagues please vote no, because it is fundamentally flawed and contradicts the very integrity of this Civilian Review Board's power to affect the subpoena.

Excuse me, we appreciate the commentary, but we're going to have some debate there.

**Mr. Udin:**

Thank you, Mr. President. I want to speak in opposition to the amendment. One of the things that has been confusing throughout this debate is that some people think that they will be able to walk in to a hearing of the Review Board, be sworn in, swear to tell the truth, and then personally decide that they want to be silent or not give answers to questions when asked, that is not their legal option. There are only certain strict conditions under which a person can legally take the Fifth Amendment. And when those conditions are met, the constitution provides that people cannot incriminate or may choose not to give self-incriminating testimony. But in the absence of a Fifth Amendment right, the public nor the officers have the right to come into any Review Board or any official commission with subpoena power and defy its authority by refusing to answer or refusing to tell the truth.

So in those instances when there's some debate about whether or not the person has the legal right to refuse to

answer questions or does not have the legal right, it is important that the Review Board have access to the Court of Common Pleas so that the court can make a legal determination as to whether or not that person has the right to refuse to testify. To delete this authority from the Review Board to appeal to the Common Pleas Court would be taking the guts out of the subpoena authority of the Review Board and, therefore, I would urge my colleagues to vote against this amendment.

**The Chair:**

Thank you. Excuse me, excuse me. I appreciate the moral support, but we need to get through this discussion. So I would ask that the residents please be patient with the process here today. Let everybody engage in this spirited debate. I think we're going to be pleased with the outcome, so if you could please be patient. Again, I just want to amplify Councilman Udin, not only did we require a police officer to violate their Fifth Amendment rights, the way this bill is written we've also explicitly stated they can take the Fifth, which is their constitutional right, and/or give other legal plausible reason as to why they should not be able to testify.

**Mr. Onorato:**

We should talk about my amendment, Mr. President.

**Mr. Ricciardi:**

Thank you, Mr. President. I am voting to delete this language. I remind my colleagues that the vote at the committee session was 4-3-1 with Mr. O'Connor, Mr. Hertzberg, myself, voting for it and Mr. Cusick abstaining. I believe

if one carefully reads the language, it's an intimidation factor against witnesses, against police officers and against all others called before.

**The Chair:**

Excuse me. Excuse me.

**Mr. Ricciardi:**

The language states — I'm okay with the background noise. The language specifically states "person", everyone believes we're talking about police officers in this particular language, it says "person". I strongly believe it's an intimidation factor against anyone who comes before the Board. And our solicitor, I believe, eloquently made the argument that it's a hollow gesture. If we're going to have a bill before us, let's have a bill with true meaning. A bill that actually means something, not just something that we put down in the bill just to make people feel good or make ourselves feel good. The solicitor said the Court in no way can rule or can force a person, be it a witness or a police officer or anyone in the surrounding community testify. So I'm not here to just pass things that people will feel good about. I'm here to pass things that have standing in the legal arena. Thank you.

**Mr. Cohen:**

Thank you, Mr. President. I also oppose the amendment. On the legal issue, I think it's important to know that our subcommittee did run this provision by to attorneys outside of City Hall who specialize in municipal law, both of whom felt that it did have validity. I believe that it has validity. We don't know what a

court would actually do once an application was made to the court, but we should at least give them the option of doing it. And it really goes back to what I said last week we need to give this Citizens Review Board the freedom to succeed and that's what this revision does.

And I think we have to make another thing clear, too, and that is that the Mayor can compel a police officer to testify even if that police officer invokes the Fifth Amendment to the constitution. That's called the Garrity Instruction. We are not doing that here. We are not saying the Citizens Review Board has that power, it does not, it actually has less power than that. But what we are saying is that if an officer comes and testifies without invoking the Fifth Amendment then we should at least have the ability to go to a Court. That is very, very reasonable. If the officer — and I want the media to hear this because it's been gotten wrong every single time, if the officer invokes the Fifth Amendment to the Constitution before the Citizens Review Board, then we cannot — the Board cannot force him to testify. But if the officer does not, then we should at least have the ability to compel that officer's testimony through a Court. That is reasonable, it makes sense and we should vote for it.

**Ms. McDonald:**

On the amendment, as in every law, it's a double-edged sword. And if you just look at the language, it says: However, if any person, any person doesn't mean just the police officer, it means if any person subpoenaed by the Board refuses to testify without legal basis, guys, that may mean there may be one witness to an incident where a police officer has been

charged, if indeed one witness knows that the police officer was not wrong, that person would not be -- the Board basically would not be given the right to go to the Court of Common Pleas and subpoena that person. Again, I repeat, it's a double-edged sword. As much as we're fussing about protecting the police officers, we need to protect all people. That's why it's in here. However, if any person, this Board is about seeking the truth, not about protecting citizens, it's not about protecting police officers, it's about the truth. And if you do not give them the instruments to be able to access the truth, it will be an empty Board.

So, again, I think we need back to the overall mission of this Board. Do we want them to seek the truth? Then give them the tools to do that. It may be protecting not just the citizen at one point it may be protecting a police officer as well.

**Mr. Hertzberg:**

Thank you, Mr. President. I don't think this amendment is that big a deal one way or the other. I do think it's a big deal, though, that the condition that this particular clause is in was the product of a compromise by both sides. And I understand where the solicitor is coming from, there may be a problem, there's no legal authority for doing this, that doesn't mean it can't be done, though, and I'm going to vote in the negative for this amendment, Mr. President.

**Mr. Onorato:**

I just want to talk about my amendment. I heard about four speeches here that had nothing to do with the

amendment. I just want to clarify it again. And that is, the deletional language is referring to what happens if somebody doesn't respond to this subpoena and it talks about a language where they may apply, the Board may apply to the Allegheny County Court of Common Pleas. I just want to point out that this in no way strips the subpoena power, I don't know where that's coming from or guts the bill.

If you look in the City of Pittsburgh of organizations or commissions or institutions that currently have subpoena power, for example, this Council has subpoena power in the Home Rule Charter, but it doesn't have this clause. And I don't think it makes our subpoena power any less than the subpoena power of this bill. If you look at -- I'm pretty sure the HRC has subpoena power. I mean, there's subpoena power that's out there. This language is not necessary. And if it's not necessary to protect subpoena power, why is it in there? And that was my concern. It's in there and it can be very intimidating if you read that clause that I just read. But it does nothing, whatsoever, to gut the subpoena power of this particular bill, and I just want to end, because it came up in conversation here that the Garrity case has nothing to do with this particular case, only because if you read the case, the Supreme Court case in Garrity, it was very specific dealing with internal investigations, and this is an independent Board, it's not an internal Board, and it deals with employer/employee relationship.

This CRB, and I assume it will pass today, will not be an office of -- or an extension of the Mayor's office. It is not an executive branch, it's an independent

Board. So they don't have the same relationship as an employer/ employee. Therefore, the Mayor under OMI and internal investigations, according to the Supreme Court, can offer that there will be no criminal court action if you testify. And if you don't testify and we give you that type of immunity, then we'll punish you. CRB is not in the same position to do that. So I think Garrity does not apply at all to this particular case. The language I'm trying to delete does absolutely nothing to subpoena power. And I think even Councilman Hertzberg stated it, even though he's not supporting it, that the language, he can support this one way or the other because it's really hollow language, it doesn't do anything to the subpoena power of this particular bill. So I would ask my colleagues --

**The Chair:**

Well, that certainly provoked enough commentary for something that doesn't mean anything. Other discussion?

**Mr. Onorato:**

You have a strange way of trying to get nine votes, Mr. President.

**The Chair:**

I don't want nine votes, I want principled support for this bill.

Roll call vote on the amendment.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cusick

Mr. O'Connor

Mr. Onorato

Mr. Ricciardi

**NOES:**

Mr. Cohen

Mr. Hertzberg

Ms. McDonald

Mr. Udin

Mr. Ferlo, Pres't.

**AYES**      **Four**      **NOES**      **Five**

**The Chair:**

Amendment      fails.      Other  
amendments?

**Mr. Cusick:**

Mr. President.

**The Chair:**

Councilman Cusick, could you just clarify your amendment, which -- is this yours?

**Mr. Cusick:**

It's 662.04 Board Members, Section D. In making such nominations and appointments to the Board the Mayor and the Council shall use in their best effort to create and maintain a Board reflecting the diversity of the population of the City. The Board shall be comprised of no -- of three persons not more than three who are experienced in law enforcement professionals. No Board member shall be a sworn currently employed law enforcement officer.

Mr. President, I'm going to ask that this be voted up and down. It's been on the floor before. I don't think that we need to get into a long debate. I was upset that the NAACP last night asked the news

media to go on and ask people to pack the room because we were trying to stack police officers -- police officers --

**The Chair:**

Please. Excuse me, let's be respectful of our -- excuse me. Let's be respectful of our colleagues.

**Mr. Cusick:**

Thank you. That we were trying to stack sworn police officers on the Civilian Review Board. I don't think that's what we're trying to do. What I'm trying to do is create a fair playing field. I think that this section of the bill is very important to create -- to create -- to make it a diverse Board. Three former law enforcement personnel with experience that have dedicated their lives to the City of Pittsburgh and to the people of Pittsburgh and know the people of Pittsburgh --

**The Chair:**

Excuse me.

**Mr. Cusick:**

Mr. President, you're going to have to clear the room --

**The Chair:**

Excuse me. Excuse me. We have to be able to hear each other and have to be respectful of my colleagues the ability to make amendments. So please be patient with the process.

**Mr. Cusick:**

I believe this sets a fair playing field. Mr. President, there will be seven people on this Board. Three I do not think is asking a lot, that they have law enforcement experience. I truly believe that there could be up to three people in law enforcement experience. I've heard members of Council say that, hey, this person would be a good person, this person would be a good person. They were the ones that initiated this bill. I don't argue with that. I think that some of the people I've heard that have law enforcement experience would be great for this. I don't see what the big problem is in putting three in. It's creating -- you still have the majority of people that would be -- if you want to say that these three people would be biased, I would only say to you that the other four would be biased. And I think that this creates a little bit of fair playing field for the police officer.

**The Chair:**

We have voted on this five different times and we've defeated each time. Is there a great need to continue this debate?

**Mr. Ricciardi:**

Thank you very much. You're correct, Mr. Ferlo, I believe we did discuss it two other times. However, Mr. Cusick must feel very strongly about this particular issue to be bring it back up. Let me state a few things and I'll try to be very short. Individuals, Board members with past law enforcement background experience, be it a Pittsburgh police officer, a state trooper, an FBI agent are still civilians, they're just civilians with expertise in a particular field. That does not mean that they're biased or not biased.

**The Chair:**

Excuse me, again, please.

**Mr. Ricciardi:**

That doesn't mean that they're biased or not biased. That's the responsibility of this legislative body where we nominate and we confirm appointments. And Mr. Cusick raised a very important issue at the end, Mr. President, and that is one is to say that these three members can be biased, what about the other four?

Let me say one thing, if I may. We're going to have -- beginning with Pittsburgh police officers, they're doing a job, number one, that's very difficult that requires high skill and a very unique expertise. And in order to do that, we need people -- Mr. Ferlo, if I could continue. In order to do that, we need people that can properly sit not only in judgment of them but to understand the policies. Now, for example, I did some research early this morning, and if one takes a lawyer, if one wants to file a complaint of misconduct against an attorney, you file it with the Pennsylvania Disciplinary Board. Only recently -- only recently within the last year did they get someone on the Board without a background in law.

Matter of fact, overwhelmingly, 90 percent plus members of the Board are lawyers. There must be a reason for that. Once the Disciplinary Board makes a recommendation, it goes to the Supreme Court, judges all of which are lawyers. Because hopefully they will understand what is occurring within that particular incident. Now, for example, if we may,

let's look at the Department of Occupational and Professional Affairs with the state, they license 27 different careers. They also sit in judgment of 27 different careers in order to -- they have the ability to pull back their license. We're talking about doctors, nurses --

**The Chair:**

Excuse me. We have to be able to hear up here, please be patient with the process.

**Mr. Ricciardi:**

Yes, thank you, colleagues. Colleagues, if I may, and I'm really speaking to the colleagues here with all due respect to the audience, but we're talking about doctors, nurses, engineers, architects, barbers, accountants, people in cosmetology, realtors, lawyers, and the list goes on and on and on. And out of each one of those boards, the minimum composition of the boards is seven, and it goes all the way up in the teens. And guess what? Each Board only has two lay people with the remaining number of the Board having expertise in that particular field. So if there's a complaint against an engineer, that misconduct complaint will be filed with the Board of Engineers. There's 11, there are -- nine have backgrounds in engineering. Now, why is this? Why does the state realize that if you're going to judge professionals that you have to have a Board that has expertise and understanding of the person in front of them. Now --

**The Chair:**

Excuse me. Excuse me. Excuse me. Excuse me. We want to have a

Democratic discussion here. Part of the Democratic discussion is being able to hear everybody and give every colleague the opportunity to make their offer of an amendment, whether I happen to agree with it -- excuse me, whether I happen to agree with it or not. I think the worse thing that can happen right now is for us as citizens to say that we can't have an orderly meeting and a Democratic discussion and for us to have to clear rooms. That's not what I'm about. I want everybody here to participate and learn from this discussion, including myself and my colleagues. So I would ask you once again let's please be respectful, whether you agree with somebody or not, I'm very confident about the outcome of this amendment, so let's be patient and courteous.

**Mr. Udin:**

I apologize, but I just need to add my voice to yours in asking those of us who supported this Review Board, we've been working over a year and some of us longer than that to get to this point. And we must not allow ourselves driven either by our emotions for or against any of these amendments to abort this process. We are at the point of achieving our victory, and I'm going to ask along with the president that the members of the audience, especially those who have worked so hard for this, to allow this debate to go forward without the booing and the hissing and the calling and the hollering, we will get this job done, but you have to give us a chance to do our job.

**Mr. Ricciardi:**

Yes, thank you. There are so many editorials, maybe I'll have one also. I

remember the first public hearing on this, I interrupted a speaker, and afterwards I apologized because I felt bad interrupting that speaker even though I was adamantly opposed to some of the comments he made. The problem is that during the arguments you lose the weight of the argument. I recall Ms. McDonald at the last hearing -- I'm sorry, at the last committee session when you said what's the big deal about this if someone could just tell me, so that's the reason if I'm not able to continue and lose the weight of the argument, I'm going to make a motion to recommit this bill until after the --

**The Chair:**

You have the floor.

**Mr. Ricciardi:**

No, if I may finish, Mr. President. If anyone gets interrupted, I'm going to make a motion to recommit until September. But it goes back to the weight of the argument, and I'll just be brief and end with this, that the state realizes and I'm sure other governing bodies realize it that when you sit in judgment of an individual, you must have an understanding of his job responsibilities, of his job duties and what that particular individual has put forward. It holds true for barbers, Gene Ricciardi was sitting on a board and my wife came up to me and started -- came up to the Board and talking about how someone ruined her hair. I would have no idea. So the state realizes that if one is before a certain professional board that they should have some experience before it.

Ms. McDonald, is 41 percent too much? If you look at the state, they only have two lay people on each particular



board, so I believe it's not, so I'm going to continue to support this today. Thank you.

**The Chair:**

I would hope that we vote this number of three down. Why don't we just put seven on it and call it the trial board. I mean this is just not being fair. Our colleagues, the four of us in submitting this bill went overboard to accommodate the criticisms of yourself, Mr. Onorato, Mr. Cusick, and others. And I even regret I did it to be quite honest with you by suggesting that we have two so-called law enforcement professionals, this is supposed to be a civilian independent board.

There shouldn't be any category of individuals other than those that are independent and have good faith and judgment and can decide an issue unbiased. So the issue is not what one's life career is. And as far as people being knowledgeable about the system, like you said, Mr. Ricciardi, that's exactly why in this bill we have required them to do everything from go to 13 weeks' session of the Community Oriented policing academy at the police academy to learning about civil law to knowing the Home Rule Charter, to knowing what's in the consent decree, you name it, we've given these people an encyclopedia of duties. More than any other volunteer -- a person who sits on this Board is going to have an unbelievable burden on their shoulders to become educated about all aspects of police procedures and activities.

Other discussion? Others who are speaking in favor of this? Anybody else speaking in favor of adding the three,

because we're going to call the question at this point.

**Mr. O'Connor:**

I'm not sure where I stand to be honest with you. I agree.

**The Chair:**

You got about five minutes to make up your mind, Councilman.

**Mr. O'Connor:**

I can see two retired police officers from the City of Pittsburgh that being the limit, I wouldn't want to see 3, 4 or 5. My only question is if there are two retired officers, then do we prohibit someone else from being retired or a former constable, DA, lawyer, who maybe was involved with this jail --

**The Chair:**

Not a lawyer, not a judge.

**Mr. O'Connor:**

How about a constable, a jail guard? I mean, do we define --

**The Chair:**

They have arrest powers. We mean law enforcement professionals.

**Mr. O'Connor:**

Anybody who had arrest powers in the past. See what I'm challenged with is having two officers is right, that's about it. But I don't consider someone who might have been a constable, again, a retired

judge, a jail guard being flexible whether they would get on or not. I don't know that we want to exclude so many other people, that's my problem. Is this excluding all the rest that anybody add anything? Maybe a secretary for the F.O.P.

**The Chair:**

No, that does not exclude the secretary for the F.O.P. It does not.

**Mr. O'Connor:**

Okay.

**The Chair:**

It does not exclude that person.

**Mr. Ricciardi:**

It would, Mr. President, exclude other people of law enforcement background.

**The Chair:**

It excludes somebody with the power of arrest.

**Mr. Ricciardi:**

The max would be two, but I think we should be fair to Mr. O'Connor. The maximum would be two under the present --

**The Chair:**

Yes. Two from nothing. There's a strong legal argument that suggests that the way the referendum question is that there shouldn't be anybody. I think there's a strong legal issue.

**Mr. Cohen:**

Mr. President, I just have two additional points to make. Obviously I stand in opposition to this. Your point about independence in impartiality is well taken, this would clearly undermine that. Moreover, one point that hasn't been made yet is that this Board from the very beginning says that it is supposed to reflect Pittsburgh's diversity. It is supposed to be a diversified Board, not only an independent Board, but a diverse Board, and that is a board of diverse citizens, not a board of diverse law enforcement officers. Having a police officer, a constable and a sheriff does not reflect diversity, and we've got to get real here. Finally, this is a compromise, it was a compromise from zero to two. We should strike three on three cops.

**The Chair:**

Please vote no. Closing comment. Councilman Hertzberg, then we're going call the roll.

**Mr. Hertzberg:**

I want my comments brought forward from last week, and I'll try not to repeat too much of what I've said on two occasions before, at least when I do, I'll try to keep it brief. But first of all, relative to Mr. O'Connor's concerns, it doesn't mean just 'cause you had something to do with the courts that you were in law enforcement. As you mentioned, a judge is not in law enforcement. An attorney is not in law enforcement, unless they're a prosecutor, then they're in law enforcement. So it's not -- I know it's kind of a tricky line but it's not -- it doesn't just

mean because you had something to do with the courts that you were a law enforcement professional or a law enforcement officer.

I'd also like to respond to Councilman Ricciardi who does raise some good points about these state boards. But I'd also like to note that where the analogy can end and the decision making powers of those various boards you referred to whether it be the attorney disciplinary Board, the Judicial Inquiry and Review Board, the many professional review boards with the State Bureau of Occupational Affairs, I believe it is, all of those boards do not sit in a situation like this Review Board which is just an advisory body that makes recommendations. Those particular bodies actually impose discipline.

And the other item I'd like to bring up is the criticism of many of those bodies, including those that they're in charge of disciplining attorneys and some of the other professions and judges. They are constantly criticized by the public for being way too much in favor of those particular professions in which the majority are members of those professions. So those things are being criticized heavily, so you know, I'm not -- I don't know if we want to go into that.

And I would agree 100 percent with Councilman Cohen, I think the sponsors of this bill are to be complimented for bringing forward something that's the product of a compromise and I'm not going to sit here and penalize them for doing that and coming up here and saying we're going to agree and we're going to give you two instead of coming in here with zero and

making it a big battle. I'm not going to penalize you, I'm going to stick with the two. And, again, I also think what's going on here is the difference between trying to have some input from people with a law enforcement background versus when you get into three, I think what you're really trying to do is have some influence over the decisions instead of input.

**The Chair:**

Roll call vote.

**Mr. Hertzberg:**

And finally, Mr. President --

**The Chair:**

Excuse me.

**Mr. Hertzberg:**

I, again, want to point out what I've tried to do in these many discussions, these spirited discussions is to make this thing -- give it the best chance to work for both sides. I want it to have the respect of the police and also the respect of the people out there and I think this is a critical component to keep it at two.

**The Chair:**

Thank you, Councilman. Roll call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cusick  
Mr. Ricciardi

Mr. Onorato

**NOES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Udin	Mr. Ferlo

**AYES**      **Three**      **NOES**      **Six**

**The Chair:**

The amendment is defeated.

Any other amendments? Are there any other amendments to be offered at this time?

**Ms. McDonald:**

Yes, it's very simple, it's just --

**The Chair:**

Is it before us?

Yes, it's the newest one, I typed it up since the president doesn't want anything verbal. It is Section 662.05, Subsection "N" as in Nancy, instead of having as an afterthought if the Board finds the complaint was brought in bad faith, I would like to put that at the beginning of that whole paragraph. I believe that this is probably the crux of this whole paragraph is to warn people not to file frivolous complaints, let them be substantive, let them be real. So it's just basically putting if the Board finds that the complaint was brought in bad faith and if the Board finds that the subject officers did not engage in misconduct, et cetera, et cetera.

**The Chair:**

What are you amending, Councilwoman?

**Ms. McDonald:**

I'm changing the order of the wording, Mr. President to put: If the Board finds the complaint was brought in bad faith, in beginning of that paragraph.

**The Chair:**

So what we have here is the amended version?

**Ms. McDonald:**

Yes.

**The Chair:**

Any discussion?

**Mr. Onorato:**

Sponsor the bill, Councilwoman McDonald, from reading this and looking at the original, you're actually not changing any words whatsoever, you're just rearranging the last sentence to the beginning.

**Ms. McDonald:**

I'm arranging it exactly to make sure the public understands the crux of it is don't bring a complaint in bad faith. That should be the very first words.

**Mr. Ricciardi:**

Mr. President --

**The Chair:**

Any unreadiness on the motion?

**Mr. Ricciardi:**

I just need ten seconds to look over one item and that is regarding costs expended on behalf of -- did we -- we kept the same wording?

**The Chair:**

This is not the wording.

**Mr. Onorato:**

All the wording is there.

**The Chair:**

She changed the syntax of a sentence.

**Mr. Ricciardi:**

Okay.

I'm not sure if you stated the reason, Ms. McDonald, I'll support this, is there a specific reason? I want to make sure the change in wording doesn't change the intent, though.

**Ms. McDonald:**

Right, because let me tell you, when I first picked this up and read it, and I'll just read it: If the Board finds the subject officers did not engage in misconduct as defined in this article, the Board shall assess the complainant attorney fees and costs expended on behalf of the subject officers if the Board finds the complaint was brought in bad faith. You see, it's like an afterthought. And when I first picked this up, my first

impression was, whoa, you know, if they find the officer didn't commit anything, I got to pay the attorneys fees. Well, the crux of it is if it was brought in bad faith, that is the essence of this whole paragraph, don't bring something on in bad faith. That's why I think it should be in the beginning.

**Mr. Ricciardi:**

Yes, Mr. President, obviously I support this, then it intends the intent is still -- Ms. McDonald was understanding when I first proposed the amendment, and I'm going to trust her that the change in the one sentence in no way will change the intent -- or literally the statement itself. So I'll support this.

**Mr. Udin:**

I have a point of order.

**Mr. Udin:**

I have an amendment, Mr. President, that amends the same article but amends the same article, but it seeks to have the complainant liable only for those --

**The Chair:**

Let's -- just as a point of order, let's vote this up and down, it's just a word change, then we'll argue about the substantive issue you're raising.

**The Chair:**

All in favor?

Which motion prevailed.

**The Chair:**

The amendment is made. Now on the substantive issue, Councilman Udin.

**Mr. Udin:**

Thank you.

**The Chair:**

Do you have something in writing?

**Mr. Udin:**

I do.

**The Chair:**

Any other colleague have any other amendment in writing at this point other than this issue?

**Mr. Ricciardi:**

I do, Mr. President. I'm withholding my amendments until obviously I see on how other amendments go. Thank you.

**The Chair:**

Is that after the meeting or during the meeting?

**Mr. Ricciardi:**

After the vote.

**The Chair:**

After the vote, okay. We have a slight word amendment that Councilwoman McDonald raised.

Councilman Udin is raising a substantive issue.

**Mr. Udin:**

Thank you, Mr. President. The purpose of my amendment is to assess those persons who bring a complaint in bad faith only for the costs and attorney's fees personally expended by the officer rather than to reimburse the F.O.P. for attorney's — the costs of attorney's fees and court costs picked up by the F.O.P. If the officer incurs costs on a bad faith charge, I think the complainant should pick up those costs, but not in the case of the F.O.P. expending those costs. We have debated this before and I wish to put it in on the table for a decision up or down.

**The Chair:**

Obviously I agree with you, but I don't think the votes are here and I hope that we don't have a lengthy debate on this. We all know where we stand on this issue, and I think we should just vote it up or down. I hope that we reconsider, and obviously I support Councilman Udin's amendment.

**Mr. Hertzberg:**

I'm voting no for this amendment. We've been through this before, and this was, again, the product of a lengthy process, and I believe a compromise here. And also I'd like to point out it's not as simple as a matter of this is the F.O.P.'s money. The fact of the matter is the F.O.P. in the collective bargaining process has acquired this benefit, just like it has acquired the benefit of the particular wages that the members received. This is another benefit, it's like medical, it's like a

number of things that are part of their compensation package. So if the F.O.P. fund is reimbursed for that money, I don't see it as any different than reimbursing it for expenses that come right out of someone's pocket. So I can't vote for this, Mr. President.

**The Chair:**

Just remind our colleagues that the F.O.P. legal defense fund includes money that the taxpayers contribute as part of the annual operating budget. Other discussion on this point?

**Mr. Ricciardi:**

Mr. President, I realize you're trying to keep the conversation — the dialogue brief, and I'm willing to also.

**The Chair:**

I just don't think anybody's going to change the position on this.

**Mr. Ricciardi:**

Yeah, but I don't know if I could take that particular chance. Were you changing your position on this, Mr. President? If you're staying firm, then I don't have comment. Thank you. You're voting for the amendment change?

**The Chair:**

Yes, it's not going to pass. You know it's not going to pass. Do we have to carry on this charade?

**Mr. Ricciardi:**

No, no, no. I'm going to carry on. If you're changing your vote, there's a chance that someone else is changing their vote.

**The Chair:**

I didn't change my vote.

Roll call vote on this.

Excuse me, there's unreadiness on the motion. Councilman Udin has made an amendment. I clearly stated I was in favor. Councilman Ricciardi, you have the floor.

**Mr. Ricciardi:**

Mr. Cohen, if I can, because I know you voted yes, Council members, if we vote on this amendment today, it makes my original language void, invalid, and here's the reason. If a police officer is not on duty, that is if a police officer is not on duty and he or she is brought forward before OMI or the Civilian Police Review Board, that officer is responsible for their own attorneys — responsible to go out and retain their own attorney and pay their own attorney fee. However, if the police officer is on duty, he or she is represented by the F.O.P., the Fraternal Order of Police. That particular police officer does not incur expenses. So my argument is it doesn't matter who expends the dollars, who expends the legal — the legal fees or who incorporates or retains the attorney. Money is being spent.

If there's a case, a complaint that's brought in bad faith, dishonestly or with fraud, there should be a reprimand, there should be someone who stands up and says, that was wrong, and now the officer

or the F.O.P. or any legal defense fund needs to be reimbursed for that bad faith complaint.

So what I'm asking you for is to vote no on the amendment, and to keep the original language sending a message, the message is: It has to be bad faith. The majority of the Board members on this unbiased Board needs to vote bad faith, fraud, dishonest, a conspiracy to embarrass or hurt a police officer. And when money is being spent, no matter who does it, a legal defense fund, the F.O.P., the complainant — I'm sorry, the officer themselves, those costs need to be reimbursed. Thank you.

**The Chair:**

Roll call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Udin                      Mr. Ferlo

**NOES:**

Mr. Cohen                      Mr. Onorato  
Mr. Hertzberg                  Mr. Ricciardi  
Ms. McDonald                  Mr. Cusick  
Mr. O'Connor

**AYES      Two      NOES      Seven**

**The Chair:**

The amendment fails, other amendments? Any other amendments at this time? Hearing none, the bill has been amended. Any discussion on the bill final

action as amended?      Any other discussions?

**Mr. Onorato:**

On the bill as amended.

**The Chair:**

The bill as amended. There are two bills on this committee, this bill and a small bill regarding a contract for Pittsburgh Remediation Services, which had unanimous support. We are moving to a final acceptance of the bill amended.

**Mr. Hertzberg:**

There's one more bill in Engineering, too.

**The Chair:**

No, I'm just saying this committee.

Any other discussion on the creation of the Civilian Police review board as finally amended?

**Mr. Onorato:**

I'll talk.

**The Chair:**

I'll speak very briefly. I want to thank — you know Frederick Douglas once said you can't reap the harvest until you cultivate the field. And if anybody cultivated the field, it was the residents and the citizens of the City of Pittsburgh as relates to bringing this Civilian Review Board to fruition. I'd like to say it was this Council, but it wasn't this Council. I'd like to say it was the Mayor, but it wasn't the



Mayor. I'd like to say it was any number of other elected officials, but it's not the elected officials, including myself. Those who were affirmative and supportive of the creation and recognizing the need of this Board, we played our role in the last year and a half. But we would not be here today if it was not for individual residents getting politically active, taking to the streets, taking to the voting booth and doing what needs to be done. And they've done that consistently day in and day out for the last practically two years. And I want to thank those people because we are at the point now making a formal important long-range and progressive systemic change to the Home Rule Charter to the City of Pittsburgh, and I want to applaud all of you.

Having said that, I want to thank those colleagues who will vote in the final in the affirmative, even though the bill was amended it may not fully represent their desire for the enabling ordinance. I can say that the final bill doesn't represent everything I wanted as far as the enabling ordinance also. But that's part of what this debate and democratic discussion has been all about. But I also want to caution all of us, we still have a long way to go.

Even with the creation of this enabling ordinance, we know that they're still our bitter opponents to the creation of the Review Board. And I don't need to mention names politically and I don't need to mention groups, because I think we can hopefully get past that. But there will still be those for a variety of reasons who will continue in their aggressive attack in any way they can to undermine the ability of this Board to take hold and take form and succeed.

And I think we need to be vigilant both as residents and citizens and as far as elected official them, we the majority, now who will support the creation of this enabling ordinance, I think we got to make sure that we help this Board to succeed.

There will be issues about the composition of the Board, the nomination process, there will be issues about its office location, its budget, there will be issues about the hiring of staff, the actual regulations that will govern the Board, which has to go through also another public input session, as this bill defines, so we will be there each and every time. We are not going to sleep now that this enabling ordinance is taken home.

And I would hope that the Mayor would, once again, review this final bill and that he will come out squarely and formally in support of this ordinance and the creation of the board. I'm calling once again on the Mayor to now take off the gloves and become a supporter and do his job as the Mayor for all the city and all the residents in the City of Pittsburgh.

He needs to help us make sure this Board gets created, gets organized, and does what it needs to do. And this job is not to go out and attack individual officers, anymore than his job is to go out and belittle or demean citizens who become rightfully in looking for justice to the board. Their job is to make sure that they are fair and impartial, that is their job. Their job is not to have an ax to grind. For anybody, their job is to review and to critique and to give validity if its appropriate to any condemnation of any alleged impropriety on the part of a particular police officer. I wish this Board had more powers than this does, it doesn't.

It doesn't have the power to enforce disciplinary and action. That power still rests with the Mayor's chief executive officer. So we need the Mayor to get on board now, we need the mayor to come out and say he fully supports this ordinance, it's finally been adopted, and he will move quickly to work with the Counsel majority on making sure we have an effective civilian police review board.

**Mr. Udin:**

Thank you, Mr. President. Well, colleagues, the moment of truth is at hand here, we have traveled a long and tortuous road to get to this final legislation. I wanted to say to the people of the City of Pittsburgh, this legislation to implement the referendum keeps in tact the spirit of what you intended on May the 20th to create a new way of policing, and a new way of handling citizens complaints in this city. It is not what it would have been had I wrote it alone. It's not what it would have been if some of my colleagues had wrote it alone, but we are a Democracy of nine votes, and this bill does keep its integrity. It gives the Citizens Review Board the legislative authority it needs to carry out the referendum. It also compliments the consent decree.

I want to second the President's call to the Mayor. And I think the best way we can send that call to the Mayor is for every single one of us sitting at this table right now to vote yes for this legislation, a 9-0 unanimous vote on the part of this body.

We'll send a clear message to the Mayor that his appointments needs to reflect the spirit of the referendum and he needs to send a leadership message to the Police Department calling for the Police

Department to fully cooperate and to stand up and to tell the truth when they are called to the Citizens Police Review Board to give testimony in some incident that is being investigated. The Mayor has a lot to do with how this thing gets carried out and whether or not it's successful. We have done our job. I hope that we will send a 9-0 message across the hall encouraging the Mayor to come on board as well.

**Mr. Ricciardi:**

Mr. President, I'll be very brief. I made a commitment to the four sponsors of the bill that I would always vote in the affirmative. I believe the past initial votes I did vote aye and I'll continue to do that, besides the commitment I made to the four colleagues, I also had a legally binding commitment to the voters through the referendum.

I do have one fear, and that's why the composition of the Board is going to be so important and really nominating, confirming top quality people. Just take Shadyside, for example, that the actor that I believe now is behind Allegheny County bars when he was initially detained without any force at all became very belligerent and yelled and scream that he was going to bring the officers up for charges at the Civilian Review Board.

So I do have a fear, I have a fear that this Board some people might see it as a way to abuse the system or just the system, the Civilian Review Board itself become an avenue of just frivolous type of complaints. But I do promise this that this Ordinance is passing, it's going to pass and I'm going to do my very best to not only live by it but to make it work to the best possible way for the all the citizens and

police officers involved in the City of Pittsburgh.

**Mr. Cusick:**

Mr. President, over the past couple of months I've tried to make amendments and to find a way to vote to accept this piece of legislation. Unfortunately, that didn't happen. I made a commitment back when I was running for re-election, unfortunately I did not fare too well in that election, but I still made a commitment and that commitment was that I would not support a Civilian Review Board. It has been it has been— Mr. President if you may, if you would; please.

**The Chair:**

Excuse me, please be patient.

**Mr. Cusick:**

It has been a trying several months. I think a lot of good work has come, and I've watched the bill come to something to almost where I could. I will not support this today. I made that commitment, I'm going to stand by that commitment. I am still adamantly against Civilian Review Board and I continue to stand on that position. That's all.

**The Chair:**

Thank you.

**Mr. Hertzberg:**

Thank you, Mr. President. I'm against Civilian Review Board, too, I'm voting for this bill, meaning I don't like it, I didn't like it to begin with, but the voters of this City voted for it, it's part of our

Home Rule Charter. We took an oath of office to uphold that Home Rule Charter and that's the process that I've been going through every week here discussing this to try to implement what the voters put in front of us. And to me, the key is that this Board, its main job is to help the relationship between the community and the police, and there's two ends to that. I sought in all these amendments and all these discussions to bring some balance on both sides of that so that this can work to achieve that goal and give, you know, its best chance to achieve the goal of promoting a relationship between the police and the community which is, you know, at an all-time bad level right now. Hopefully this Board will do what I am hoping it will do and what the legislation says and what the Home Rule Charter now says and improve that relationship. I think it has the best chance it can have to do that, and I'm going to vote yes.

**Ms. McDonald:**

Yes, I would hope that the majority of the colleagues here, and I feel that they will vote in the affirmative of a consensus. This was a very strenuous process. I want to commend Councilman Sala Udin for spearheading this, and Councilman Ferlo and Councilman Cohen, whose staff and themselves did a lot of the footwork in writing up all this stuff. This is a lot of stuff here, and it was a lot of research.

There were many volunteers not only citizens but also our solicitor -- not our solicitor, excuse me, county solicitor, Ira Weis, who pro bono, helped with some of the legal matters in determining how this be written, what is legal, what is not, what is doable, what is not feasible. There are many people to thank. But I want to

commend my colleagues, even with the last minute, let's do three law enforcement professionals, at the last minute, I do have to say that all the colleagues were very civil in our deliberations as well — I mean behind the scenes as well as here, on the phone, whatever, and I just want to say that I appreciate the spirit of the debate and now being able, even though it may be reluctantly, to come to some consensus and move this whole thing forward.

I do believe the voters should have a say. And when you say I'm not sure it's not going to work or whatever, the CRB, you know, you have to give it a shot. You know, I always say a step in the right direction is better than no step at all. So let's take a step in the right direction.

And the bottom line is this: This is going to help the voters, it's going to help the citizens throughout. We're going to have an administrative policy in place where for right now, yeah, they're really actively aggressively pursuing policemen's conduct, but we're not always assured of that. And, indeed, we have never had the assurance of that. That's why this CRB is on the table. It's because of a lack of accountability. If there was accountability, we would have no need to discuss this, but we are. So this is going to protect people. It's a step in the right direction. It doesn't mean anti-police, it just means that civilians need to have more of a voice in how they pay City government.

**Mr. Onorato:**

Thank you, Mr. President. Obviously there's no denying I stood on this issue from the very beginning. I was adamantly opposed to it, starting two years ago or a year and a half ago when it started

the debate. I participated in all the public hearings. I went through all of the lobbying and the mail that we received in our office. City Council debated this issue and came to a vote over a year ago and the majority of this body being a 5-4 vote, voted it down.

We had the question in front of us to put it on the ballot and I, once again, fought hard not to put it on the ballot because of the procedures and the Home Rule Charter, that I believe this issue should be made up front. And there's another way to do that. I will state right now I applaud my four colleagues who voted no and the citizens that worked with them, because they did one heck of a job getting it on the ballot and they should be applauded for their efforts.

The citizens of the City of Pittsburgh on May 20th voted for a Civilian Review Board. Some of us here, maybe all of us we weren't sure what exactly that vote meant.

Mr. President, you put together a subcommittee that produced a draft piece of legislation that was put in front of Council several weeks ago. And once again, the debate was on. And I fought strenuously on my points with belief with every bone in my body that this doesn't work in other cities and I don't think it could work here. And then your side, Mr. President, Mr. Udin, Ms. McDonald, Mr. Cohen were fighting with every bone in your body to do what you thought was right to make this and the nine of us debated back and forth over probably over 30 amendments, a handful, if not a majority of those amendments passed. I know this bill isn't exactly what the four of you wanted, it's definitely not what I

wanted, but I have to state when the final day is here, which is now, I too took an oath to uphold the Home Rule Charter of the City of Pittsburgh and I take that oath very seriously.

The voters of Pittsburgh on May 20th made it very clear that they wanted a Civilian Review Board established in the City of Pittsburgh and I had to do what I had to do to make sure that I thought the Board was as fair as could be. It's not exactly what I would have drafted. However, a lot of the amendments I wanted are in here and this is only the first step. I think the important step will be the confirmation process and the names that are forwarded in the questioning and the investigation that we do to make sure we put competent, fair-minded people, citizens on this Board. I think the time of bickering is over -- should we have -- it is way behind us, and I will be supporting this piece of legislation in front of us today.

**The Chair:**

Thank you.

**Mr. Udin:**

I won't take up your time, Mr. President, I know we're trying to move this piece of legislation, but I cannot pass up the opportunity to, first of all, to commend Councilman Onorato and the other colleagues who were originally opposed to this legislation and to ask Mr. Cusick, to please reconsider his position. I understand the understanding on your belief and I applaud you for that, but now we are at the point where even those who oppose the legislation it is important to send a message to the citizens of this City

even though we may have opposed it that we respect the mandate of the citizens of this City, and I just ask Councilman Cusick with all due respect to, please, this is not the time to do the political thing this is the time to do the right thing, and I hope you'll reconsider your position.

**Mr. Cohen:**

As long as this process has been as difficult -- as it has at times as acrimonious as it has been at times, the experience of the Citizens Review Board for me at least has restored my faith in the Democratic process, and it looks as though we'll have close to, if not, a unanimous vote today. And if so, that means that this Council has risen above, above the pettiness and the bickering that we had and gone to a new level. And that doesn't matter which side you're on. To me that really warms my heart. My administrative aide just told me that there have been 76 days since the referendum passed, I haven't done the calculation if he's right, then it looks like there's a spirit of 76, and that is a spirit of democracy. Because the Citizens Review Board from the beginning was supposed to be the people's instrument, the people's instrument to bring openness, to bring accountability, to bring justice to a process, a process of investigating cases of police misconduct. And as the people's instrument, it was the people who brought this about, and I think that that is a marvelous thing.

So much of the attention has in the last few weeks has been on the amendments that we have brought before this Council and discussed and voted on. Most of those amendments were minor frankly. And I think it does make sense for us to just take a step back and look at

the bigger picture. And the bigger picture is that when we introduce this legislation, we said that there's certain principles that had to be fulfilled and not be compromised in order to have an independent Citizens Review Board, and that included making sure that citizens could go to a Citizens Review Board office to file their complaint and make sure that the Citizens Review Board had full investigative powers to make sure that it had subpoena power, to make sure that it had the budget and the staff to do its job. And each of those principles is fulfilled by this legislation, and each of them give meaning to the word independence and the independent Citizens Review Board.

And although there has been a lot of haggling, I want to thank every single person who was involved in this process. Because I'm proud of this legislation that it fulfills all those principles. And yet it is just one phase really, it gets us past an important phase, but just one more phase. The next phase is ahead of us. After the referendum passed, we all said, well at least there are two phases before we get this up and running, the first one is to implement legislation, to vote on legislation, but the second is to appoint outstanding citizens who are independent, impartial and fair-minded, and I urge the Mayor and all of Council members including myself to make sure we appoint those type of outstanding citizens to this Board. As a whole, Mr. President, this has been a process that has renewed my faith in the Democratic system.

**Mr. O'Connor:**

Briefly, as you know, I was against this from the start. But maybe I think in most of my running-for-Mayor speeches

with people who supported it, I can't blame them for supporting it. I kind of felt it was a shame that it came to this for lack of leadership. And my management background tells me it should have been resolved years ago, and I'm not just blaming the existing Mayor or any chiefs, this has been building for a long time. But I commend Councilwoman McDonald for bringing a lot of things guidelines that the F.O.P. -- guidelines that the F.O.P. had been asking for that hadn't been implemented. So it's been a long road.

I want to commend everyone, especially Mr. Hertzberg, I thank you Mr. Onorato for working out the details, especially I applaud again, Mr. Hertzberg for bringing it this close together and making it something that I can support. I'll be voting today for it, and I really think, though, has been said before the real challenge is in front of us to make it work. And the only way it's going to work is put the right people on this Board. I think that's very, very important. I hope we put as much into that, because if we don't have fair-minded, open-minded people that it won't work on both sides, and it's something that the public wants, they voted for it, I will support it today. But again, I think we have the most important road is in front of us to make sure we face the challenge and put the right people on the Board.

**The Chair:**

Councilwoman do you have any -- any other discussion?

Again, we are voting on actually two bills, also an appropriation for the Pittsburgh Mediation Agency. So I would ask for an affirmative vote on both bills. If you're in favor of the bills, please vote aye

when your names are called, if you're opposed, vote no. Would the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo, Pres't.

(Mr. Cusick voted no on Bill 2177)

Both bills having received the legally required number of votes have been approved finally.

**MR. O'CONNOR PRESENTED:**

Bill No. 2250:

Report of the Committee on Engineering and Construction for July 30, 1997, transmitting two resolutions to Council.

Which was read, received and filed.  
Also, with an affirmative recommendation.

Bill No. 2200:

Resolution providing for an agreement with the Commonwealth to reimburse the state for the City's share of costs of upgrading traffic signals at three intersections on Second Avenue, costs not to exceed \$13,000;

Which was read.

Also,

Bill No. 2230:

Resolution providing for a cooperation agreement with the U.S. Army Corp of Engineers to acquire right of way to design and construct the Lower Saw Mill Run Flood Protection Improvements, and to commit the City's share 3.25 million.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion? Hearing none, if you're in favor of the bills, please vote aye when your names are called if, you're opposed, vote no. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Cusick
	Mr. Ferlo, Pres't.

**AYES      Nine      NOES      None**

The bills having received the legally required number of votes have been approved finally.

**The Chair:**

Under motions and resolutions, any matter to be brought before the body?

If not, this legislative session will reconvene on September 2nd, 1997. That's

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a Tuesday, at 2:00 p.m. This legislative session now stands adjourned.

**ADDENDUM**

Mr. Ferlo's comments on Bill 2234 can be found in the Standing Committees Meeting Minutes of July 30, 1997.



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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO President  
LINDA M. JOHNSON-WASLER.....City Clerk  
JOHN R. MASCIO Deputy City Clerk

Pittsburgh, PA  
Tuesday, September 2, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone. Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We're very pleased to have two young people here today. In fact, two very young people. The family lives in the Gates Manor section of the City. They are Nina and Frankie. They're here today with

their mom and dad. Nina is 5 years old and she's in the kindergarten and Frankie is 4 years old and he's in pre-school. They both attend St. Theresa's in Munhall. Nina likes to dance and they both play soccer. They are from Councilman O'Connor's district. They are going to lead us in the pledge of allegiance.

#### Nina and Frankie:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands one Nation, under God, indivisible with liberty and justice for all.

#### The Chair:

Thank you very much. Nina and Frankie, I think you did a great job. Our City Clerk would like to present you with a flag of our Nation. We want to thank you and your mom and dad, Donna and Frank, for coming down here this afternoon taking part in our pledge of allegiance. That's part of a beautiful entourage you brought here today. Good luck in school this year.

We have a number of guests in the audience today.

One for the record?

#### PRESENTATIONS

I'd like to welcome all my colleagues back after the August session.

#### MR. HERTZBERG PRESENT:

No. 2251 WHEREAS, Daniel Bogus, son of Ben and Nancy Bogus, is a member of the Boy Scouts of America, "Order of the Arrow" Troop #299, sponsored by the Brotherhood of the Trinity Lutheran Church Presbyterian Church on Sherwood Avenue, in the 20<sup>th</sup> Ward of the City of Pittsburgh, Allegheny County, PA; and

WHEREAS, Daniel has satisfied the Eagle Scout requirement of earning 31 merit badges, of which 11 are mandatory in the Outdoor, Fitness and Service Fields, and 20 are in the Fields of his own choice; and

WHEREAS, Daniel is an Assistant Senior Patrol Leader and scribe for Troop #299; and

WHEREAS, for his service project, Daniel built a sign for Camp Mahaffey, the Church Camp of the Christian and Missionary Alliance Church, wherein he showed leadership in planning, designing and creating this sign for Camp Mahaffey; and

WHEREAS, only those young men who have been outstanding in scouting, exhibit only the highest ideals, have the esteem of their community and fellow scouts, and serve in a position of responsibility and leadership obtain Eagle Scout status, the highest rank in the Boy Scouts; and

WHEREAS, through his enthusiasm, hard work and dedication, Daniel has successfully fulfilled all these requirements and has been presented with the Eagle Badge at the Court of Honor ceremonies August 26, 1997;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Eagle Scout Daniel Bogus on his recent achievement and commends him for his accomplishments.

MR. DIVEN motioned to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTS:

No. 2252 WHEREAS, on August 15, 1997. Tomorrow's Future will host their Annual Banquet at the Marriott City Center; and

WHEREAS, 5 years ago Grace E. Robinson, decided she wanted to give something back to the community. Having two teenage daughters of her own, she knew first hand of the many problems and issues the youth face daily, thus, she started Tomorrow's Future; and

WHEREAS, Tomorrow's Future has a mission to equip young people with basic communication and employment skills necessary to survive and compete in today's society. Tomorrow's Future provides mentoring opportunities and relationships with Corporate America; and

WHEREAS, with the assistance of local Churches and Corporations Tomorrow's Future will be able to provide scholarships to more than 15 students. Tomorrow's Future has expanded from meeting at the office of Grace E. Robinson

to a facility on the campus of the University of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Grace E. Robinson for the vision of Tomorrow's Future and wish her continued success for the future.

BE, IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declare Friday, August 15, 1997, "Tomorrow's Future Day" in the City of Pittsburgh.

MR. ONORATO motioned to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS:

No. 2253 WHEREAS, on June 7th, 1944, Signal Air Warning Battalions 555, 563, 564, 566 and 573 stormed their way onto the beaches of Normandy, Omaha and Utah. Their purpose was to defeat the forces of the Third Reich and save the free world; and

WHEREAS, 100,000 of these young Americans secured their positions, searched and scanned the skies for attacking enemy aircraft and reported enemy planes to in-flight aircraft for interception. In less than a year, on May 8, 1945 they marched into Berlin; and

WHEREAS, on August 28, 1997, 53 years later, a much smaller contingent representing the Five Signal Air Warning Battalions will gather together for

"Pittsburgh: A Last Hurrah" at the Station Square Sheraton; and

WHEREAS, this reunion is an opportunity for the veterans of Battalions 555, 563, 564, 566 and 573 to meet again, remember comrades and again salute the cause of freedom.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby thanks those individuals who so valiantly served in the five Signal Air Warning Battalions during the Second World War and commends them for their bravery and patriotic service to our country.

FURTHER, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Friday, August 29, 1997 as Signal Air Warning Day in the City of Pittsburgh.

Also,

No. 2254 WHEREAS, the Pittsburgh Italian Scholarship Fund is holding its Fourteenth Annual Awards Dinner on Tuesday, August 12, 1997 at the Churchill Country Club; and

WHEREAS, the Pittsburgh Italian Scholarship Fund provides scholarship funding to students enabling them to graduate and continue on with their education; and

WHEREAS, the 1997 Pittsburgh Italian Scholarship Awardees are:

Derek Joseph Di Gionvanni  
Erica D'Odorico  
Glen Ianaro  
John Kimicata  
Lynn Ann Natale

Paul Michael Salvatore

WHEREAS, the 1997 Pittsburgh Italian Scholarship Fund's Man of the Year is Mr. Joseph D'Andrea, Honorary Consul of Italy since 1983. Mr. D'Andrea is one of the founders of the Italian Cultural Heritage Society. He is a former educator, and is a past president of the Pennsylvania State Education Association and is a member of the Board of Directors of the National Education Association; and

WHEREAS, As the Honorary Consul of Italy in Pittsburgh, Mr. D'Andrea has helped promote the City's Italy/America Chamber of Commerce, US/Italy student exchange programs, and cultural activities featuring groups from Italy.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates and commends the 1997 Pittsburgh Italian Scholarship Awardees and Mr. Joe D'Andrea, Man of the Year and wishes them success in all of their future endeavors.

MR. DIVEN motioned to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Now, on behalf of all our colleagues, we have some representatives here from the American Heart Association, Connie Conboy and Linda Honcher. I'd like them to come forward. I'd like to ask Councilman Dan Cohen who also spends a

lot of time volunteering and sitting on the Board of the American Heart Association, if he would like to read this Proclamation on behalf of all of our colleagues.

Mr. Cohen:

Good afternoon.

Members of Council and members of the audience it's my honor to read this Proclamation which actually Councilman Ferlo's Office drafted and really introduced it. I appreciate the opportunity to read it.

MR. FERLO AND ALL COUNCIL MEMBERS PRESENT:

No. 2255 WHEREAS, heart attack is the single largest killer of Americans and almost as many Americans die from cardiovascular diseases as all other causes of death combined; and

WHEREAS, stroke is the third largest cause of death and the leading cause of disability in the United States; and

WHEREAS, The American Heart Association, a non-profit, voluntary health organization funded by private contributions, is the largest financial supporter of heart and stroke research other than the federal government; and

WHEREAS, on the weekend of September 6th and 7th, 1997, people across the country will be walking to raise funds to support the lifesaving research and educational programs of the American Heart Association during the American Heart Walk, an exciting national event; and

WHEREAS, the American Heart Walk promotes the importance of exercise as part of a heart-healthy lifestyle while raising funds to continue vital research leading to the latest treatments for cardiovascular diseases and stroke; and

WHEREAS, businesses, hospitals, schools, organizations, and individuals from throughout Allegheny County will be joining together to participate in the sixth annual American Heart Walk on Sunday, September 7th, 1997 at the Highland Park Reservoir.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh urges Pittsburgh businesses, organizations and residents to support the American Heart Walk by forming teams to walk on September 7th or by becoming sponsors; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Sunday, September 7th, 1997 to be "American Heart Walk Day" in the City of Pittsburgh.

MR. O'CONNOR motioned to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Cohen:

It's my honor to be on the board of the American Heart Association. This is one of their fundraising activities which I think, Linda, it may have been your brain child. But, it really has become quite successful in the heart of Councilman Ferlo's district. That is in Highland Park.

There are a lot of walks for very important charities. This certainly ranks up there because not only is it important for raising money for treating cardiovascular diseases and strokes, but also it's a good time.

What I'd like to do is Connie if you could come up first, I'll present this you. Tell us a little more about the heart walk.

Congratulations.

Ms. Conboy:

Thank you.

I'd like to thank Dan for his active participation on our heart board and the Members of the Council. We're very pleased to have this Resolution from the City. We think this is a very important event for the City. It raises quite a bit of our funding for the year. This is going into important research. In fact, our area is lucky enough to receive \$1.4 million dollars from the Heart Association each year for research projects with our upstanding medical institutions. We generally raise, approximately, \$1 million dollars in this area. So, the money that we raise certainly comes into the community and into the research within our hospitals and medical centers.

I would like to thank you. We hope to see many of the families and residents of the City at the event on Sunday, September 7th. Registration will begin at 9:00 and the event starts at 10:00.

Thank you.

Mr. Cohen:

Thanks so much Connie. Thank you for your hard work.

Linda Honcher would you like to say a few words. Linda is just a dynamo. She is the Executive Director of the Heart Association. She always has about 7 or 8 balls in the air and does a great job. Do you want to say a few words?

**Ms. Honcher:**

Thank you, Dan.

Dan's just most too kind. I just want to say thanks to the City Council on behalf of all the volunteers and our Board of Director here in Allegheny County for proclaiming Sunday, September 7th as American Heart Walk Day in Pittsburgh.

Thank you.

**The Chair:**

Can we get a phone number? Why don't you list a phone number so that we can -- do you want to have contributors to people that organize the team.

**Ms. Honcher:**

If you want more information, you can call 243-5393. You can reach me at extension 130.

**The Chair:**

You can get all the bugs in you want.

**Ms. Honcher:**

Some of the sponsors for the American Heart Walk this year, our

presenting sponsor is the Heart Hospital at Allegheny General. Our major sponsors are Baer Corporation which is the company where Connie works and PNC Bank, those are our two major sponsors. Our associate sponsors are the H.J. Heinz Company Foundation and USX Corporation. Our supporting sponsors are the Cardiothoracic Surgical Associates, Coopers and Weinbran, Shadyside Hospital, and the University of Pittsburgh Medical Center. You can see we have a lot of sponsors. Our contributing sponsors are Duquesne University and Kirkpatrick Lockhart. Our patron sponsors are Clinical Cardiology Associates, Commissioner Mike Dawida, Dickey, McCamey and Chilcott and National City Bank. We have two media sponsors, 3WS Radio and Health and Fitness Magazine.

**Ms. McDonald:**

Thank you.

How long is the walk itself? I got talked into being a walker this Sunday and I have bad feet but I want to do it anyway because I committed to it. So, I'm going to drag my kids with me to punish them, too. But, how long exactly is the walk. I heard is doable.

**Ms. Honcher:**

It is very doable.

This one is on a level surface around the reservoir. It's a 5K which is only 3.2 miles. Which means it's, approximately, three trips around the reservoir itself. Our you can take the external route. Anyone with dogs or anyone with wheelchairs or wants to use roller blades can use the external walking area around the reservoir as well. So,

we'll have two different paths for people and it is a lot of fun.

**Ms. McDonald:**

I look forward to it.

**The Chair:**

You can swim across the reservoir and take it in half.

Thank you and congratulations. We look forward to seeing you this week.

That concludes our Read and Adopted. Moving to Presentation of Papers.

**MR. COHEN PRESENTED:**

No. 2256 Ordinance amending Ordinance No. 22, effective July 92, 1997 amending and supplementing the Pittsburgh Code, Title Eight Fire Prevention and Title Ten Building by adopting a new Title Eight Fire Prevention, 1996 edition and a new Title Ten Building, 1996 edition by including Section 118.3 Existing buildings.

Which was read and referred to the Committee on Public Safety Services.

No. 2257 Resolution changing the name of Ravenna Street which runs from Spahr Avenue to Shady Avenue to read Ellsworth Avenue, 7th Ward, Council District 8 (SPONSORED BY MR. COHEN)

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

**MS. MCDONALD PRESENTED:**

No. 2258 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984, that property located at 531-533 Winslow Street, 12th Ward, Council District 9. (SPONSORED BY MS. MCDONALD)

Which was read and referred to the Committee on Finance and the Budget.

**MR. ONORATO PRESENTED:**

No. 2259 Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 4, by changing from "R1" One-Family Residence District to "C2" Highway Commercial District certain property being at 2211 (63-F-70) and 2217 (63-E-162) McMonagle Avenue, having 104 feet of frontage on the southwesterly side of McMonagle Avenue, 20th Ward.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

**MR. RICCIARDI PRESENTED:**

No. 2260 Ordinance supplementing the Pittsburgh Code, Title I, Administrative, Chapter 161 - Contracts, by adding Section 161.33, Pittsburgh Living Wage, requiring employers who receive city contracts and/or city assistance to pay employees a minimum living wage, creating the City Assistance Advisory

Committee, providing for enforcement, due process and penalties for violations.

Which was read and referred to the Committee on Finance and Budget.

No. 2261 Resolution granting unto ICM School of Business, 10 Wood Street at Fort Pitt Boulevard, Pittsburgh, Pennsylvania 15222-1977, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, benches and planters on Wood Street and Fort Pitt Boulevard in the 1st Ward, 6th Council District of the City of Pittsburgh.

No. 2262 Resolution granting Oppenheim, Color Me Mine, Walnut Pavilion, 5608 Walnut Street, Pittsburgh, Pennsylvania 15232, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a sidewalk cafe on Walnut Street in the 7th Ward, 8th Council District of the City of Pittsburgh.

No. 2263 Resolution granting unto John Catanzaro, Sunfresh Food Services, Inc., 116 23rd Street, Pittsburgh, Pennsylvania 15222, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a loading platform and parking area on Smallman Street in the 2nd Ward, 6th Council District of the City of Pittsburgh.

No. 2264 Resolution granting unto Java 13 Cafe, 1224 East Carson Street, Pittsburgh, Pennsylvania 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on South 13th Street and

East Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

No. 2265 Resolution granting unto County of Allegheny, 107 County Office Building, 542 Forbes Avenue, Pittsburgh, Pennsylvania 15219, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a handicap ramp at 3441 Forbes Avenue in the 4th Ward, 1st Council District of the City of Pittsburgh.

No. 2266 Resolution granting unto John T. Watero, 5744 Ellsworth Avenue, Pittsburgh, Pennsylvania 15232, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, an awning and planters on Ellsworth Avenue in the 7th Ward, 8th Council District of the City of Pittsburgh.

No. 2267 Resolution granting unto Kwi-Bok Chuong and Pal-Sun Chuong, 2208 Arlington Avenue, Pittsburgh, Pennsylvania 15210, their successors and assigns an encroachment to construct, maintain and use at their own cost and expense, a handicap ramp at 2208 Arlington Avenue in the 16th Ward, 3rd Council District of the City of Pittsburgh.

No. 2268 Resolution granting unto Michael P. McArdle, 1600 Bingham Street, Pittsburgh, Pennsylvania 15203, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, an access road on Newton Street and German Square in the 17th Ward, 3rd Council District of the City of Pittsburgh.

No. 2269 Resolution granting unto Clark Bar and Grill, 503 Martindale Street, Pittsburgh, Pennsylvania 15212,



their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on Reedsdale Street in the 22nd Ward, 6th Council District of the City of Pittsburgh.

No. 2270 Resolution vacating a portion of Unnamed Way, 10 feet wide, between Sandusky Street and Shears Way, a distance of 90 feet in the 25th Ward, 6th Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. UDIN PRESENTED:**

No. 2271 Resolution providing for the issuance of \$770.00 warrant in favor of Margaret K. Rea in settlement of a claim for sidewalk damage due to City tree roots.

No. 2272 Resolution providing for the issuance of \$1,248.97 warrant in favor of Bobby L. Waller in settlement of a claim for an accident involving a City refuge truck on March 4, 1997.

No. 2273 Resolution providing for the issuance of \$950.00 warrant in favor of Howard Ziegler in settlement of a claim for sidewalk damage due to City tree roots.

No. 2274 Resolution providing for the issuance of \$6,785.68 warrant in favor of David L. & Linda L. Stacy in settlement of a claim for sidewalk and sewer damage due to City tree roots on November 25, 1996.

No. 2275 Resolution providing for the issuance of a \$825.42 warrant in favor of Kathleen Scheidlmeier in settlement of a claim for an incident in which the claimant's vehicle was hit by a City vehicle on July 5, 1997.

No. 2276 Resolution providing for the issuance of \$2,950.00 warrant in favor of William Johns in settlement of a claim for water draining into claimant's yard.

No. 2277 Resolution providing for the issuance of \$1,097.03 warrant to the City Treasurer for delinquent City and School taxes owed by claimant and a \$6,151.61 warrant to be issued to Sharyn Schardf in settlement of a claim for a flood in claimant's game room due to sewer back-up.

No. 2278 Resolution providing for the issuance of \$880.00 warrant in favor of Barbara Siegel in settlement of a claim for sidewalk damage due to City tree roots.

No. 2279 Resolution providing for the issuance of \$2,954.27 warrant in favor of Janice D. & William S. Pappert in settlement of a claim for an incident in which a City EMS vehicle hit claimant's parked vehicle on May 23, 1997.

No. 2280 Resolution providing for the issuance of \$967.00 warrant in favor of Bernard P. Cusick in settlement of a claim for excessive rain causing sewer to back-up and flood claimant's home on August 8, 1996.

No. 2281 Resolution authorizing the Mayor and the City Solicitor to enter into a Contract or Contracts for the hiring

of an Auditor to comply with the Consent Decree entered into between the City of Pittsburgh and the United States Department of Justice, at a cost not to exceed \$130,000.00

No. 2282 Resolution authorizing the Mayor and the City Solicitor to enter into a Contract or Contracts for the hiring of an accounting firm with expertise in electronic data processing auditing to work with the Auditor to comply with the Consent Decree entered into between the City of Pittsburgh and the United States Department of Justice, at a cost not to exceed \$40,000.00.

No. 2283 Resolution amending Resolution No. 209, Item I, effective April 28, 1997, which authorizes the sale of a vacant lot, located at 3224 Stafford Street, 20th Ward, Block 42G, Lot 55 to Michael K. Henry for the sum of \$650.00, to correct the date the property was acquired by Treasurer Sale.

No. 2284 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

#### The Chair:

That concludes our Presentation of Papers. Are there any matters to be brought up under Unfinished Business or Reports of Special Committees.

Hearing none -- I don't believe there's any Reports of Committee, are there?

Moving to Motions and Resolutions, I believe Councilman O'Connor has an issue.

#### MOTIONS AND RESOLUTIONS

##### Mr. O'Connor:

Yes, before you I have a resolution concerning the Maglev 10 mile, 16th South Maglev. I'm presenting it today and I will hold it for a post-agenda in fairness to all my colleagues to study it and everyone should be informed of it.

Last week, I had the privilege of spending the whole day and touring with a delegation from Western Pennsylvania headed by Bud Schuster, the Head of Transportation Committee from Congress. We toured much of the needed roads with the Turnpike Commission. The Mon Valley Expressway is a vital part of that. We will be holding, Thursday at 10:00, a hearing on the Mon Valley Expressway and how vital --

Mr. Schuster has roots in Pittsburgh. He not only lived here, but he went to the University of Pittsburgh and graduate school at Duquesne. He even informed me as he's been studying now, he has a large pot of money they will be distributing for roads and infrastructure and transportation in the Country. He was shocked when he was going around to the different cities across the Country on how further advanced they are than Pittsburgh in both fields. Almost every city has a beltway and mass transit. In fact, I am a race fan and I watched the Vancouver

Race on Sunday. As you watched the race cars going by, you saw the model rails. Almost every city in the country has model rails, some type of a model rail except Pittsburgh.

I think it's a key, and we all agree, it's a key to the economic growth and vitality of our region. If we're going to compete with the rest of the country, we need mass transportation and we need a good road system.

There's been quite a controversy over Maglev and this is not just including the arena. I'd like to tell you that I've been on the Auditorium Authority for four years. So, I've been quite informed about what was going on at the Auditorium Authority in building the Maglev to Grant Street. I think that was too expensive for such a short distance and the amount of money that was going into it.

What we're talking about now, I'll just inform some of my colleagues because they asked, is a Maglev system that will actually start or end at the Technology Center on Second Avenue in Hazelwood, loop around to CMU connected to Oakland, the universities and hospitals, come down the Boulevard and tie in with Duquense and Magee Hospital, go to the arena and the Hill District, go across downtown, across to the North Side and all the facilities there, the Stadium, the Science Center and come back to downtown. It's a 10 mile loop.

What's really at stake here and I realize there will be controversy on should it be on my street or should it be on -- one of the key things in Oakland that was discussed is whether it should be on Fifth or Forbes. These things can all be worked

out. What's at stake here is 75 percent is government funding on all three projects.

We have a small window of opportunity here. We are in the running for this money. I've lived here all my life and I was curious and I remember visiting Skybus in South Park as many of you may know was built there and never materialized in Pittsburgh. We could have been the first to have mass transit. But, through the lack of political leadership or visions, we never went anywhere and Skybus sat out there empty for many, many years.

I think we have two opportunities with the Mon Valley Expressway and the Maglev System in the next couple of weeks to make a clear decision on which direction or city and our region is going to go.

I'll hold the Resolution because I don't think it's fair in time. With the two post-agendas that everyone will be informed and have questions concerning both issues. I think they're probably the most important issues facing us. I, respectively, will hold this until our post-agenda. We have two that will be scheduled within a week.

So, we have to send a clear message to Congress that Western Pennsylvania, we're all on the same page. I believe the Mayor will agree, the Commissioners and all our state representatives that we have to go with a joint effort if we're going to get these funds so that we can keep up with the nation. These funds are only available and it's a short window of opportunity. I hate to see them go to other parts of the country. It will happen, Maglev will happen whether it be here or somewhere

else. We have the opportunity to be the first to have this in the country.

Mr. Udin:

Thank you, Mr. President.

First of all, let me attempt to clarify that there are several different magnetic levitation projects that have been discussed around the region. It's important to know the differences between the original project that was scheduled for the Hill District which would have taken a car or some cars from the Civic Arena to Grant Street which Councilman O'Connor says that he opposes because of the cost. I'm glad to hear that opposition because I think that it was cost prohibitive. There are other concerns or other reasons why it should have been opposed beyond cost.

But, those cost considerations and other considerations have not been addressed in the new proposal. All they have really done is expanded it from a one stop operation from the Civic Arena to downtown to now a City-wide transportation system.

It was originally intended as a system to transport people who park their cars from the Civic Arena to downtown. Now, the expansion of it, the first step of the expansion was to expand it to include several parking lots around the City and a transportation system for those parkers, people who are parking their cars at different lots around the City. Now, it has expanded to a full-blown transportation system for public transportation.

All of these are very, very different and should be distinguished. I am not opposed to magnetic levitation. I am not

opposed to the development of it as an industry or building it in Pittsburgh or using it as a transportation system for the region.

The problem is this particular magnetic levitation project and the way that it is promoting itself is putting its economic interest ahead of the regional transportation interest of the region and the City, that is the problem. It is being driven by economic interest and not being driven by transportation planning considering the transportation needs of the Planning Department, the Urban Redevelopment Authority or the Mayor's Office. They're just expanding the original bad idea which you said you opposed from the Civic Arena to Grant Street, and they're just expanding it across the City. That is not the way we do regional planning or transportation planning in this City. It was originally a small bad idea and now it's an expanded bad idea.

I am opposed to it, both the process -- I don't believe that it has fully developed the technology. The Japanese originally developed and started the technology. They have not seen fit to invest in it or use it. There are reasons why the people who originally developed the technology have not invested in it. We need to explore those reasons and be sure that we know what the downsides are.

One professor at Carnegie Mellon University who has written hundreds of articles on magnetic levitation have suggested that before any major investment be made that a test demonstration site be developed to see if this thing really works and to what extent and under what conditions it works. So, I think that we should be trying to move

Pittsburgh out in front in terms of magnetic levitation transportation design and manufacturing. But, it has to conform with sound, financial and technical planning for transportation needs and financing within the City.

This system attempts to bypass the process. It's attempting to bypass the Planning Department, bypass the Urban Redevelopment Authority, and bypass the Mayor's Office because it's proceeding primarily on an economic track and not on a transportation and regional planning track.

So, I look forward to the public hearing. I hope that the public hearing, the post-agenda. I hope that it will bring out all sides of this issue. I'm sure that when we make a final decision on it, it will be based on the best interest of the people of the region and their transportation needs and not just on the economic interest of this group that's trying to push their agenda.

**Mr. Cohen:**

I think this is precisely why we need a post-agenda so that we can sit down and hear both sides and make an informed decision. I think both, Councilman O'Connor and Councilman Udin agree that this is a very, very important issue. That is, what exactly are our regional transportation needs and how are we going to meet those needs so that regional leaders can have a unified agenda, a unified petition, to bring forth to the United States Congress and be able to get money for the transportation needs that we have here.

I am glad that Councilman O'Connor has said that he would like a post-agenda rather than rushing a resolution forward because this is a very, very important issue.

I put together a list of invitees that I would like to kind of add as a friendly amendment if you will or a friendly list. It includes everybody from the city, county, state and federal that I could think of. Here in the City, of course, Deputy Mayor Cox, Planning Director Eloise Hirsh, Steve Leeper and Pat Hasset at the Planning Department. From the County, Larry Dunn who is believe is a designated Transportation Commissioner, Neal Holmes, Chairman of the Board of PAT and Paul Costalis, Executive Director of PAT, Henry Nutbrown and Tom Fox from PennDot. I think we ought to invite Jack Wagner who's been very active on this issue and a former colleague of our. At the federal level, Congressman Coyne, Congressman Schuster and Anthony Mento with the Federal Highway Authority. And, then the developers themselves, let's hear from them, David O'Locklen, Paul Martha, Locky Martin, Sergeant Electric, IBEW I believe is one of the financial entities, Mellon Bank as well as researchers at CMU and MIT. Let's get them all hear and let's hear about the project and let's hear the arguments on both sides. Then, bring back the Resolution and let's make a decision.

**The Chair:**

That's quite a convention we're having here.

I hope we take a little bit of a kinder and gentler approach than Councilman Udin. I appreciate his

harshness. I think Bob is headed in the right direction. I think it's important to at least to have a post-agenda meeting to bring the different groups together.

I think it's been very confusing not only for this Council, but for the public in general and certainly to funding agencies as to what the agenda of the City of Pittsburgh is. It's only been late in the last couple of days that I even learned of the Mayor and the Administration's view about Maglev. Up until now, I've only understood them to be concerned about this one block Civic Arena proposal. To my knowledge they have not made any public statements or articulated what their issue is or concern about the broader Maglev issue.

I would hope that the first means test that we meet is how does it fit into a transportation agenda. What is the key priority transportation agenda for the City and the region. Setting aside the issues of the technology of Maglev and whether or not it works and setting aside the issue of the fundability of the project, I would hope that the first hurdle that we cross over is what is the agenda as far as our priority in terms of our transportation needs. I would view that the first priority has to be linking the vital City of Pittsburgh and the Urban area with the airport which we have a multi-million dollar investment in. We clearly -- the day it opened, it was somewhat outdated to the extent that it does not have a viable connection with the downtown. It's hurt us financially, economically, in terms of employment. All the linkages that we talk about as district Councilmembers, my concern parochially is the employment and other economic benefits linking the city to the airport. We are MIA on that issue.

I would hope that whatever the transportation linkage is, whether it be the technology of Maglev or Skybus or dedicated superbuses or whatever you want to call it, somehow we have to link the advent of the new technology of the airport and all that it offers with the downtown corridor. We haven't done that yet. I would think that that to me, at least, is one of the major priorities that we are facing regardless of what the technology issue is.

I don't see that happening. It's not happening in a coordinated way. And, unfortunately, we still have a situation where it's not clear what the City's best interest and agenda is and are we presenting united front in that respect, I don't think we are.

It seems to me that the pot of money that the so-called Paul Martha Maglev Group are seeking are designated pots of money from research and development portions of money separate and distinct from other transportation like the urban mass transit money, that maybe PAT is seeking to extent this fine line to the North Side or extending the East Busway. It seems to me it's not like it's a separate pot of money.

But, I would hope that whatever the agenda is we begin to talk about what is the priority and how we best come together as a City and a region to meet those priorities. I look forward to the post-agenda meeting. I hope that we don't invite Bob Schuster to the meeting because I think we'd be sending him about 15 different mixed signals. I think we need our own in-house meeting and try to get some working on the standing about what our priority is.

I kept my position to the one Maglev group and have been clear from the beginning that they have to get the Mayor on board and we have to get some consensus built. It seems as though, as Councilman Udin says, it went from a one block proposal to now there's kind of generally ill-conceived but fairly well thought out notion that we're going to link the different areas of the City, North Side and Second Avenue into the Oakland corridor with downtown. That's a nice -- That's not the way we need to do it. I look forward to the post-agenda meeting. Again, I think our priority has to be linking the airport to the employment.

I'm looking ahead two decades. If we can conceivably have a situation in the next 20 years where you will actually have a competing City of Pittsburgh and Moon Township versus what we know as the City of Pittsburgh and downtown corridor. It sounds maybe -- maybe some people view that as an idealistic statement. But, I don't think that's the case. I think when you look at all the development and the potential to build a major urban core in and around the airport, you could conceivably see in 20 years Moon Township become a second class city as opposed to the City of Pittsburgh. We should be concerned about that. As District Councilmember, that's my concern.

**Mr. O'Connor:**

Just to address a few things. Councilman Udin, I agree with almost everything you said. It's odd -- I saw these plans four or five years ago that linked CMU. That's how it actually started with this linking Oakland with downtown.

Again, that's how the garage came up later. These were plans that CMU and Pitt were working on to try to tie them into the university and with downtown and the North Side.

So, these plans have been here, but it also sends a clear message. I know when I was first on Council, I was very excited about the mock Maglev to the airport. As you've said, people in Pittsburgh couldn't work at the airport -- here we are building busways when the rest of the world are building mass transport all over Europe. I won't even, unless Councilman Hertzberg wants to address it, the fiasco of the Walbash Tunnel and all the uncoordination that's happened there over the last couple of years and how long have we been struggling with that? At least three or four years ought to tie it in.

What probably came out of this at the most is where is our regional leadership and what is our regional agenda. I don't know that there is one. At least, this can be a start. I think it's up to the Members of Council, we can pull it together and we can bring the right parties together, but it certainly shows that we need a regional plan. The other positive that I think everybody has to hear is through this is new technology. So, there's a certain pot of money available only to new technology. That's why this, I think, is a priority. But, all the transportation -- the people in the Mon Valley Expressway are agreeing to this. They think it would add to the Mon Valley Expressway whether they come down and park in Hazelwood, get on a Monorail System to go to Oakland, downtown or North Side.

So, all these things, I think have to be addressed. If nothing else, let's try to take the regional leadership and starting in the City and starting with Council to look at this. I see it as a major issue facing us in the next century.

**The Chair:**

My only point is that we have limited dollars and some prioritization. At least me, personally, as an elected official, I would rather link those dollars to the downtown and to the airport versus a system that links the different parts of the city among ourselves, in terms of employment, economic benefit and the like.

**Mr. O'Connor:**

I don't know that I would disagree with you, but I don't know that that's the same pot of money. That's some of the things we have to discuss.

**Mr. Hertzberg:**

Mr. Chairman, it's not to disgrace, but when we are talking about the airport and the transportation problems with the downtown to airport link that we're having right now, I think that there's a lot of similarities because we have the same kind of disagreement. When we have that disagreement among the local elected officials and you're talking to the federal government saying we need your assistance, they're going to lift their hands up and say, if you don't agree locally with what you want, don't come to us. We're not going to be able to help you.

So, I think we need to try to get together. I think we can separate the two issues very easily. One is long term.

Obviously, Maglev is not going to happen this year or next year. It's not going to happen for a while. It's going to take a long time if it's every going to happen. So, it's a long-term plan. Whereas, the airport and the connection with downtown is very short term. In fact, there are things happening as we speak relative to that busway. I think we can keep our eyes on both issues and work on both of them.

Just to respond to you Mr. President, at least, I've been trying to make something happen on the issue of the busway and the link to try to get people together to come up with a consensus. I can tell you right now it couldn't be worse. As far as I'm concerned in Council District 2 with the current status of this busway and I may be repeating myself, be aware that the current proposal went from a good proposal for the western part of the City of Pittsburgh. Something that was going to be a benefit to everybody on either side is now going to be a detriment to that part of this City.

If we are going to have a busway to run from the busway and, then, dumps all the buses onto West Carson Street, it couldn't be worse for the western part of this City. As far as I'm concerned, I would stop the project right now. I wouldn't spend another dollar on it if it's going to continue to go in the scale down manner that's being proposed and that's actually been put forth to the federal transit administration in Washington.

Hopefully, we can all get together and get a consensus on what works. I think if we can do that and present it to Washington, I think we can have, at least, in the short term, get something done here that links downtown to the airport. I'm



keeping my fingers crossed and trying to work with everyone on it.

**Mr. Udin:**

I just want to try to set the record straight, Mr. President. Part of the reason why we have not been able to respond to this previously with a transportation response is because it was never presented to the City as a transportation project. It was presented as a parking shuttle project. It grew based upon what they thought was the availability of federal funds. Now, they can find a way to finance their parking shuttle project and just call it a transportation system. But, that's certainly not the way you do public transportation or mass transportation.

If, in the expanded plan, they still plan to put up 10 different parking lots or parking garages in various parts of the City that this Maglev would connect to and it would shuttle the parkers from that system, that's not a transportation system, that's a shuttle system for the people who are parking in their garages. If they have changed that plan, I have not seen it, I don't believe that the Planning Department or the Urban Redevelopment Authority or the Mayor's Office have seen it. Now, they're calling it a transportation plan.

Somewhere these transportation nodes are going to have to sit down and various neighborhoods. Those places where it sets down is going to impact the commercial and residential area immediately adjacent to wherever these stops are.

So, Councilman Cohen, as you develop the list even longer for people who ought to be involved in this, we ought

to look at the proposed sites where these 10 stops are going to be, see who is going to be impacted by them. The thing that is originally created to opposition to this plan was the impact that it had on the residential neighborhood immediately adjacent to the Civic Arena site. So, there's going to be now 10 civic arena neighborhoods impacted by this project and those people ought to be aware of this and ought to be involved in this convention as well.

**Mr. O'Connor:**

The parking lots are something new. I understand there's a possibility for two at each end. The 10 stops are -- this is to be clarified. So, I think we owe it to all of us for them to present a plan to all of us to see it.

I agree with you that if it's going to go to Oakland and the North Side, then you want to go to that community and say how would it work. I think the key thing in the next -- we only have a short window of opportunity to get federal funding for a mass transit system. If we buy into it, we can always change the stops and the roads. If we don't like it on Fifth Avenue, we can put it on Forbes Avenue or whatever they may be.

Again, I don't believe there's 10 parking garages. I presume there's a couple. But, I'm looking at it as a transportation system. Especially Oakland is the third largest employers in the State of Pennsylvania and the third largest traffic jam in the streets which I believe haven't been changed for 7 or 8 years. So, we need help there. If this is a start, whether it be this or something else, I hope we can all get together and start working on it.

**Mr. Udin:**

Mr. President, I apologize for taking so long with this. But, it's a very complex issue.

If transportation is the goal as you suggest and I think that it should be, then we really have to look at — we don't start with Maglev. We look at what is the best way to serve those transportation needs and what is the most cost-effective way to serve those transportation needs. Not beginning with Maglev and, then, see whether or not we can find the funds to finance it. That's not the way we do public transportation financing or planning.

**The Chair:**

I think we all look forward to a spirited post-agenda meeting on this issue. But, I hope we keep the airport to the urban core linkage in mind when this Maglev or whatever the technology is because it needs to be done. So, I look forward to the post agenda.

On other matters regarding public hearings and the like.

First of all, I want to call on Councilman Cohen, but I was distressed with the Post Gazette article. What's that word paparazzi or whatever it is out to lunch headline that was in the paper this morning. There is no fight on Grant Street regarding the Civilian Police Review Board.

We have an Ordinance, it's adopted and we are moving full steam ahead. We're going to follow the same procedure that we follow with the

appointments to other commissions. Each colleague will nominate, hopefully in the next week and a half, Councilman Cohen will go over his schedule with you from the Public Safety Chairman. Each one of us will make a nomination. They will go to the Mayor and the Mayor will fill in his list of the three members.

At some point in the next few weeks before the October 1st deadline, the Mayor will forward back to us the seven selected nominees. Those nominees will come to the Wednesday table for interviewing just like we've done with other appointments to various commissions and authorities. We will, then, vote formally in a Tuesday Session on the nominees.

I don't see any reason why there has to be any confusion. I've spoken to the Administration and there's no problem with that. There's no conflict and there's no battle on Grant Street and all the other thoughts that the Post Gazette's need to create headlines for the sake of headlines.

So, we're proceeding full steam ahead.

**Mr. Cohen:**

Thank you, Mr. President.

I agree with you. We had the battle on the Citizens Review Board and it's over. We have a piece of Legislation that's been signed by the Mayor.

If you recall, of course, we had two phases in this process. The first phase was to pass enabling Legislation which formally creates the Citizens Review Board Legislation that was introduced

initially by Councilman Sala Udin. We had a final vote on that on August the 4th.

We're now in phase two. What I'd like to do to is just suggest a schedule. That's really what it is a suggestion or a recommendation for selecting board members. Of course, as we've all stated, we're looking for outstanding citizens who are independent, impartial and fair-minded. The schedule that I think all of you now have a copy of says that Council would send nine nominees which is under the Legislation, to the Mayor by, it can certainly be done beforehand, but by Monday, September 15th. The Mayor would, then, choose four members from that list of nine and, then, of course, select three of his own members and send that back to Council on Monday September 22nd so that it can be formally introduced on Council Meeting on the 23rd. We then would have a conformation hearing on those seven nominees on Wednesday, September 24th with a confirmation vote the following Tuesday which is September 30th and have the board in place by October 1st which is what the Legislation calls for.

So, we'd like to hear other Councilmembers comments on that and see if that is workable for all of you. Also, for people who wish to serve on the Board, we received a lot of resumes already from people interested in serving. If there are anymore people out there who would like to serve on the Citizens Review Board, please get your resumes in this week. I think we probably should put a deadline of the end of the week really for that.

So, that's just a suggestion I'd like to put before Council. Hopefully, this is something that everybody can live with.

**Mr. Onorato:**

I couldn't agree with you more, Mr. President, your opening statement. I have no problem with the schedule. I think one of the confusing points that is probably just semantic, but Councilman Cohen you might want to just change one word here and that is at the very beginning, Council never nominates. What we're doing is sending over nine names. They don't become a nominee until the Mayor nominates because that's the way the Charter is written. I think that's where the confusion is coming in. If we were nominating it, it appears that he's then approving it. That's reversed. We are submitting names and he reverses it back to us as a nominee.

**Mr. Cohen:**

Point well taken.

**Mr. Onorato:**

If you want to clarify that point.

**Mr. Cohen:**

Change nominees to names. To send nine names to the Mayor.

**Mr. Onorato:**

Then, it makes sense when it comes back. We confirm after he nominates. I don't know where this dispute came about the four that are being selected from our list. That was just a procedure of how the Mayor can get four names. But, they're just nominees like any other nominees and they require a minimum of five vote conformation

hearing like the other three. So, I think that's clear and there's no dispute.

I would hope that this Council is unanimous on that decision. I want to be able to have conformation hearings on all the nominees the Mayor sends over. That's when we'll go into the background and investigate the individual.

**The Chair:**

We're not going to debate any nominees until they are actually nominees.

**Mr. Onorato:**

Right.

**The Chair:**

Which means we have a formal letter addressed to present Members of Council from the Mayor saying these are the seven nominees you placed on the Board.

**Mr. Onorato:**

On that point to the people listening and that's exactly right. The nine names that gets submitted, no one can assume that the nine of us agree on those nine names. It's just one person on Council submitting a name and then we look at it when it comes back. You're absolutely right Mr. President. I think that's where the confusion is coming in. No one is a nominee until the Mayor selects the name and, then, they're a nominee.

**Ms. McDonald:**

Councilman Cohen is your process basically saying that each of us need to submit to you one name and that will be part of the list that will go to the Mayor on Monday, September 15th?

**Mr. Cohen:**

That's correct. Each of us will select one person that would then be sent over to the Mayor.

**Ms. McDonald:**

Now, do you have a listing of -- you said you received hundreds and Councilman Ferlo you said you received a ton of resumes, well let's say a lot of resumes. Personally, I have not received -- I have received a handful at best. I would be interested -- I'm very disappointed personally that in my council district I have not had a lot of people who have actually written to me. There's been a lot of phone calls where in passing oh, by the way. I told them that's not going to cut it, you have to write to me, you have to send me something in writing. I haven't gotten many at all.

So, I'm interesting in finding out the entire list of people who are interested in serving if you've been a point person for a receipt of resumes or responses.

**The Chair:**

Let me clarify that. We, individually, may have received letters of interest or resumes. They may or may not have forwarded that information to their district Councilmember or to another colleague. So, I think your suggest is well taken.

I would suggest that anybody who wants to forward resumes or letters of intent that you may have individually may have individually received in your district office, I suggest we give it to Councilman Cohen and the Clerk's Office so that all of us can review those resumes. We may want to pull from those names separate and distinct from names we may have gotten individually.

So, if there's no objection, we'll forward all the information, if you it's appropriate that you received in your respective office, to Councilman Cohen and the Clerk's Office so that in the next week and a half you also have that body of information to look at also.

**Mr. Cohen:**

I think that's good and fine. I'll certainly work with Linda to make sure that everybody has the same list of names. The only thing that -- what I do in my office is insist that they send a resume in. The same as with Councilwoman McDonald, if they call in and say I want to be on the board, I just say unless you send a resume in that says what your background is, we're not going to consider you. That may be seen as harsh, but they have to, at least, send a resume in. I've gotten about 40, it's not in the hundreds, but it's probably about 40.

**Ms. McDonald:**

I think that this is such a very critical, important position to serve as a non-paid board advisory or commission or whatever, a member of that entity. This is too important to just give a phone call or a passing. I think if you're serious about it and you want to be on the Civilian Review

Board, then take the time out and put in it writing. It's not asking for a lot.

**Mr. Onorato:**

Just to help clarify the process because this is going to be as opened as any process is. On this schedule that we have in front of us, I think it would be helpful if we send the names over together. You have my name and who I submitted and all nine of us. We'll all get a copy of it and we know who's selecting what name and send it over to the Mayor instead of us all just sending it over by the 15th. Somebody, maybe the Clerk, can pull together all nine of our names and, then, everyone knows what's going on and what the process is, that would be helpful too.

**Mr. O'Connor:**

I have quite a few, too. I think we may even have some of the same names. So, you may want to screen it before we do it. Any colleagues who may agree on a certain person.

**The Chair:**

There's no secret on the floor or in City Hall. We're all going to be sharing the information with each other, each colleague. We will forward all the information to the Mayor and the Mayor will make some suggestions of potential nominees. All those seven names will come back to Council, we'll do a formal interview and we will resolve this by the end of September. Then, we will deal with the other hurdles that we have to do in terms of getting the board organized and the staffing and the budget. All of which we'll have to rely on the leadership of the

new independent Board to give us direction.

Any other matters?

We have a couple of outstanding issues. I haven't had to time to speak with Councilman Onorato, but I would suggest we have a series of public hearings on this whole Zoning Code. I don't know how the Councilman feels. But, I think this will be difficult just to have one public hearing on the whole re-write of the zoning Code here in Council Chambers.

So, I have a tentative list for you to consider. But, I would like to suggest we have a series of public hearings in the evening regarding the Zoning Code. I know I've spoken to Councilman Cohen and we have a lot of groups that want to have some input on the Zoning Code. I would suggest that we strongly view it as a working document that we need a lot of input on. I think the more we get out to the neighborhoods the better.

So, this is just an idea and a draft. I'd like to hear from Councilman Onorato who chairs the committee. Maybe at the next week meeting we can have some discussion on this.

On the other public hearing, we did take a vote and we wanted a series of public hearings on the issue of the one percent, one-half percent or whatever you want to call it, the Regional Renaissance Sales Tax increase. We wanted to have a series of three additional public hearings. Actually, four other hearings for a total of five hearings.

So, I've set these dates. I'd like to have the first one be September 24th and

25th. I don't know why that date was changed, we had the 23rd. But, basically to have one in the Jewish Community Center in Squirrel Hill, one at Brasher High School, October 7th; one at Perry on the North Side. I'm trying to get east, north, south and west. Then, maybe have one at the end in City Council. But, this is pursuant to Councilman O'Connor's motion to have some public hearings on this Regional Sales Tax, the Stadium Tax.

So, we're going to have those hearings before the referendum election in November. So, if any colleagues have any suggestions or strong feelings on where or when we might want to have these hearings, if you could just let me know. This is just a tentative list. If you could let me or Linda know between now and next week, I'd appreciate it.

I'm suggesting that we have at least three hearings pursuant Councilman O'Connor's former motion, the Regional Renaissance Tax Increase and that we have at least, maybe, four or five hearings on the Zoning Code changes. It's really up to the Body.

**Mr. Onorato:**

I have no problem with the Zoning Code issue. I'm just trying to figure out why cramp the areas on the Sales Tax Legislation.

**The Chair:**

Well, we all voted for it.

**Mr. Onorato:**

I know. But, I didn't vote for it. I can't figure out -- first of all, are we going to demand that somebody that drafted it is

going to be there to defend it? If not, what are we having the hearings for?

**The Chair:**

I was suggesting -- Council did vote a couple of months ago that we would have five hearings and that's what I was acted on. I'll respect the pleasure of the Body.

I was suggesting that we have, as an introductory statement, a five or seven minute statement from the Allegheny Regional Renaissance Partnership Group who, obviously, is spending millions of dollars to get this thing passed. Then, I would say, correspondingly, we have an introductory comment from the Allegheny Institute Group or the Anti-Sports Tax Group that Representative Walko and others are a part of and, then, hear from the general public. But, I'm responding to what Council's vote was a few months ago regarding having some hearings on this issue.

**Mr. O'Connor:**

My thinking on that was just to educate the public so that they know outside of what they read in the newspapers or hear pro or con that we're not saying we're for or against but, at least, let both parties come and educate the people of Pittsburgh on this issue.

**Mr. Hertzberg:**

When you're scheduling it, I'd appreciate one in the western region. I think this was an appropriate thing to do when we voted for it. I think it's the leading issue all on the minds of the residents of the City of Pittsburgh and

every business owner in the City of Pittsburgh and that there are a number of different views. I think we need to do our part to educate the people in the City of Pittsburgh on what this is all about, the pros and the cons.

Certainly, we have a lot at stake both in increase of sales tax and in the passage or the defeat of this Legislation. I think the more that we can do as elected representatives to educate people on this, the better job we're doing. So, I'm all in favor.

I would appreciate one that is in the western region. We can talk more later about the particulars. But, I think we talked about doing downtown as well as north, south, east and west.

**The Chair:**

I have no objection on that. Again, this is just a tentative list. Please let me or Linda know by next week if you have strong feelings about a particular date or a particular location.

I have many -- my neighborhood groups and residents are equally as concerned about the Zoning Code as they are about the Regional Renaissance Tax. So, I would like to juggle a series of public hearings throughout the fall to provide a maximum amount of interest and dialog and discussion on the Zoning Code. This is a fundamental re-write of the Zoning Code since the '58 adoption, the 1958 adoption of the Zoning Code. There are just all kinds of issues that are going to come up. Lots of neighborhood groups and lots of individual residents are opinionated about the Zoning Code.

A lot of work through the Zoning Advisory Group has gone into it. The Planning Commission, we probably spent over a million dollars on consultant fees in the last two years. I'm sure Councilman Onorato's had a lot of people communicate to him.

I just think we need to be deliberate on the Zoning Code and not just have it introduced and have one hearing here in Council and, then, try to adopt the Code. I think we should get out in the neighborhoods and get input from the community.

But, I think Councilman Hertzberg's point is well taken. Just like the Zoning Code, there are a lot of people out there that are opinionated about the Regional Renaissance Tax.

**Mr. Onorato:**

My point was when you look at the schedule of public hearings, I think we should be given as much time as possible to the Zoning Code which we have a direct input on and we vote on and that that's where we should be spending our time. For example, this regional assets, I don't want to educate anybody on it. But, if this was done in Harrisburg, just like the change in county government, we're not having public hearings in six neighborhoods about that issue on the ballot.

I think we have a function and a role here and the Zoning Code for the City of Pittsburgh is a direct relation to what we do as our jobs and that we should hear from the residents of this region that elected us. But, if we have conflicts, I would much rather air on the side and

given the time to the zoning change question than this. I'd rather replay the taped hearing we had here on the Sales Tax every month and let people see both sides of it. We're going to hear the same thing 10 times in 10 neighborhoods. You'd be better off putting it on city cable and playing it over and over again if you want to educate the public.

**The Chair:**

I think your point is well taken. Again, I'm just acting on the majority vote regarding the cable casting of the Regional Renaissance issue. Please communicate to me on that issue or the Clerk regarding those hearings. At this point, there's no other motion on the floor so I'm going to abide by the wishes of the majority. So, if you have specific —

**Mr. Hertzberg:**

The main difference here is the timing. If there's going to be a vote taken.

**The Chair:**

We need to know by the end of the year or we have to go back through the whole process. I don't want to see that happen that's why I'm trying to juggle it.

**Mr. Onorato:**

It may happen.

**The Chair:**

I know it may happen that's why I believe strongly, as Councilman Onorato pointed out, I think the more public hearings we have on the Zoning Code the better off all of us as elected



Councilmembers are going to feel when we finally have to cast a vote on it.

So, to me I think if we get it out there -- if we have five or six hearings, we're going to get a lot of feedback from neighborhood groups and individuals who's spent a lot of volunteer time working on the code either because they're from the Zoning Board or before the Commission. So, we're going to get our ears full I'm sure on the Zoning Code.

So, I think the more opportunities we have to be out at the grass roots level in the evenings with neighborhood groups, zoning activist of one strip or another, I think the better off we're going to be. I think we can finally feel comfortable when we adopt it.

I don't know how many colleagues are going to sit down and read several thousands of pages of the Zoning Code. I think we need to get reaction from organized groups, community residents, the business community, the developing community and others who have an opinion and spend a lot of time everyday with the Zoning Code. I think we need to get out diversely and demographically throughout this City on the Zoning Code so we can feel comfortable. Otherwise, if we're going to do that, come voting time we're all going to have a bunch of abstentions and people being hesitant about a final vote.

**Mr. Onorato:**

We spent a lot of money on the Zoning Code.

**The Chair:**

Over a million dollars.

**Mr. Onorato:**

I think it would be pretty irresponsible if we can't come to vote by the end of the year knowing we have this much time now. So, there's a lot of money spent already that can --

**The Chair:**

Well, let's do this and I'd like to get input back from the Chairman of the Committee, Councilman Onorato, on this issue of the Zoning Code hearings. Other colleagues, if you feel strongly that within your district you'd like to, at least, help host one of the Zoning Code hearings, let me know or let Linda know.

At this point, I'm going to follow through with the majority on the Regional Renaissance public hearings. I'm suggesting three here. If you want to change the dates or the time or one colleague feels more strongly and they would like to host one of the Regional Renaissance Tax hearings, please let me know.

**Mr. Cohen:**

Mr. President, real quick, I just wanted to agree with you 100 percent on the Zoning public hearings. What I have found over the last couple of months is that there are zoning issues -- first of all, we have the power to amend the Zoning Code so that is one big difference and I hope that we see amendments here in Council. But, there are zoning issues out there that I never even dreamed existed and are coming forth through this whole ZAG process, this Zoning Advisory Group

process. So, I think we're going to educate ourselves in this process and find out about problems with the current Zoning Code or maybe even with the proposed Zoning Code that are out there that are relatively minor, but affect a lot of people.

So, I wholeheartedly support doing it. Hopefully, we'll have a lot of amendments here so that we can make this a neighborhood based zoning code and not just one that was done by a consultant and railroaded through.

#### **The Chair:**

I had asked the zoning code folks as a way to give an illustration to colleagues and the public what is significantly changing in the new code as opposed to what is in place right now. I asked them to go through an exercise and put it in writing to us. I hope it will be ready in time for the hearings.

I asked them to go back at least one year and take the various hearings before the Board of Adjustment and the Planning Commission that were generated from property owners, businesses and/or community groups and do a summary basically explaining what happened in the last year in the large number of issues that came before the Zoning Board or the Planning Commission or this Council. Then, prospectively show what would be different in the coming year if we adopt the code. So, that means everything from backyard fence to a swimming pool fence to a number of apartments. All the different issues that come before us.

I thought it would be helpful to look what happened in the past year with the code, what would be different in the

next year if we adopted the code. I thought it would be a helpful way to get an illustration of what's going to be different in the future. I hope that's ready in time for these hearings.

Again, we will wait for the input from other colleagues on this issue.

#### **Mr. O'Connor:**

I agree that we should show the before and after so people that know will have an concern. Right now, I think to be honest with you nobody's asking me about the Zoning Code. I can't get a cup of coffee without people asking me about the tax. Every citizen is concerned about that.

Like you said, when it affects them, if some highlights are brought out whether it be their back fence, their yard and whether they're allowed to have a garage or a business next to them, how many apartments in their neighborhood, if some of these things were brought out first, I think it would educate and alarm people who should be concerned. Without that, I don't see, outside of special interest groups, the average citizen paying much attention.

#### **The Chair:**

Okay, you have a draft of both hearings, please give me some input in the next few days and/or Linda please so we can move on this and get these dates set. Keep in mind as others have pointed out, we will receive the Mayor's budget address. Roughly, in the next week and a half into November we're going to be pre-occupied obviously with budgetary issues. So, we need to move and get these public hearing dates firmed up.

Are there any other comments or any other issues to be brought before the Body?

**Mr. O'Connor:**

One thing I thought with the tragedy over the weekend and I think the whole world is watching with the death of the Princess. I know we have sister city connections throughout the Country if we would send a letter of condolences from the City, the Mayor and the City Council of the tragedy that happened in France.

**The Chair:**

I think if you would like to help compose that, the Clerk would appreciate it.

We want to wish Councilman Cohen and his wife a congratulations on their new baby.

**Mr. Cohen:**

Thank you.

**The Chair:**

A big baby at that.  
Congratulations.

Any other comments or concerns?

With that, this Legislation Session stands adjourned.

Thank you.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President  
LINDA M. JOHNSON-WASLER.....City Clerk  
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA  
Tuesday, September 8, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone. We would like to welcome all of our guests in the Chambers this morning. At this time, would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We're very pleased to have an eighth grader here this morning. A student named David Jones. He's 13 years old. He attends the North Side Middle School.

He's the son of Tina Jones who's an Administrative Assistant to Councilman Sala Udin. He's obviously from the 6th Council District.

#### David Jones:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

#### The Chair:

Thank you David. Thank you very much for coming down here today. Our Clerk would like to present you with a flag of our Nation and a flag of our City of Pittsburgh.

#### PRESENTATIONS

#### Mr. Cohen:

Good morning everyone. Would Ester Berazoni please come up and the others from Chatham College if there are any.

Members of Council and members of the audience, it's my honor to give this proclamation to Chatham College. Chatham College, which is located in Squirrel Hill, as all of you know is a top institution of higher learning for women. They are doing a great job and large parts of the effort is because of Ester Berazoni who is the President of Chatham College.

They have a fascinating cultural exchange program. Every year they choose a different country or a different region of the world. This year they have an exchange program with Japan. That's what this Proclamation is all about.

**MR. COHEN PRESENTS:**

No. 2285 WHEREAS, Chatham College, one of our City's premier institutions of higher learning, is celebrating the Year of Japan during the 1997-1998 academic year; and

WHEREAS, Chatham College and Japan's Doshisha Women's College of Liberal Arts are sister institutions, and as such, share a healthy exchange of students and culture; and

WHEREAS, Doshisha Women's College is located in Kyoto, the "cultural capital" of Japan, where tradition and local pride are hallmarks of its people, similar to Pittsburgh, with our legacy of rich local traditions; and

WHEREAS, one Chatham student will study at Doshisha Women's College and two students from Doshisha will study at Chatham this academic year; and

WHEREAS, Chatham College and the City of Pittsburgh welcome Sanehide Kodama, President of Doshisha Women's College of Liberal Arts, to open Chatham's academic year at its annual Convocation on September 11, 1997.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends Chatham College for 128 years of educating women in the liberal arts; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh congratulates Chatham College, Doshisha Women's College and its President, Sanehide Kodama, for convening the Year of Japan.

**MR. ONORATO** motioned to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

Ester, congratulations. Please accept this from City Council and please tell us something about the program.

**Ms. Berazoni:**

Thank you Councilman Cohen and Members of Council for this Resolution. We are very pleased to be here today. President (Inaudible) will be arriving this afternoon. I'm delighted to know that tomorrow we will be able to present this to President (Inaudible).

The College is, as Councilman Cohen said, in it's 7th year of this exchange. We're delighted to have Chatham students this year studying Japanese after their students have been here now for the last five years. We are very pleased to be a part of the internationalizing the City of Pittsburgh.

Thank you for this recognition.

**Mr. Cohen:**

Will the folks from Persad please come up and the Steel Park. Chief Magistrate Simmons you're next.

It is also my honor to present this Proclamation for the Persad Center and also for the Steel party which is a big event that's coming up this weekend. I think everybody on Council knows about the Persad Center which is located on Penn Avenue in Bloomfield/Garfield area and how successful they have been as a counseling agency. This Council has supported Persad over the years and many members of Council have really acknowledged it and made contributions. So, it's an organization that we're very happy to support.

This weekend, they're having a Steel party which is going to have, I think, 3,000 participants, at least. So, it's certainly worthy of this Proclamation.

**MR. COHEN PRESENTS:**

No. 2286 WHEREAS, Persad Center has been serving the needs of the sexual minority population of greater Pittsburgh for the last 25 years; and

WHEREAS, Persad Center has been a leader in its role as an HIV/AIDS service provider; and

WHEREAS, Persad Center has opened its doors to all those afflicted with HIV/AIDS regardless of orientation or affiliation as well as their significant others; and

WHEREAS, Persad Center has provided services to all regardless of his or her ability to pay for said services; and

WHEREAS, Persad Center has been a vital part of increasing the diversity of the population of Pittsburgh and beyond; and

WHEREAS, Persad Center is hosting the Steel Party Pittsburgh 1997, a benefit to help fund Persad Center; and

WHEREAS, Persad Center, through the Steel Party will bring 3,000 visitors to the Pittsburgh area and help brighten the face of the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Persad Center for the leadership, caring and understanding of the sexual minority population of greater Pittsburgh; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare the weekend of September 12, 1997 to be the official Steel Party / Persad Center weekend in the City of Pittsburgh.

**MR. UDIN** motioned to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

Thank you for organizing this and for making it a very successful event. We have with us this morning Kathleen Snyder who's the President of the Board of Directors of the Persad Center. We also have Liz Reno who is -- excuse me, Leslie Kursh who is co-chairing the event, my

apologies and Michael Teramena who many of you may know as running the Benedum Center who is here also co-chairing the event. So, Kathleen please accept this Proclamation on behalf of City Council. Tell us a few words about the party.

**Ms. Snyder:**

We're very grateful to the City of Pittsburgh for recognizing Persad's effort. The Steel party is a big event. It's volunteer driven. Persad is celebrating it's 25th year in existence this year. Persad could not exist without the hard work of many, many hundreds of volunteers none the least at which are devoting their efforts to this party this weekend.

There are four different events happening starting with a party at the Warhal Museum Friday night. There's an event, a Steel Magnolia event on Saturday night at 6:00 p.m. and, then, the Steel party itself happening at the Convention Center from midnight until 6:00 a.m. You don't have to stay up all night and you can still have a great time.

We're very grateful to Michael Teramena and Chris who are the co-chairs for this event. We look forward -- anybody and everybody are welcome.

Thank you.

**Mr. Cohen:**

Last, but certainly not least, Chief Magistrate Simmons if you could come up with your colleagues, please.

Thank you all for coming down. This is an interesting program called the

Underage Drinking Project which I'd like to have Chief Magistrate Simmons really explain to you. It's a project that really will be helpful from a criminal justice perspective and also from a perspective of really making a contribution to the community. A number of people have made contributions to this event.

So, I'd like to read this Proclamation.

**MR. COHEN PRESENTS:**

No. 2287 WHEREAS, Mayor Tom Murphy and Chief Magistrate William T. Simmons announced the beginning of the Underage Drinking Project; which is designed to provide first-time underage drinking offenders with an alternative service program, diverting them away from the criminal justice system; and

WHEREAS, this project allows our young people to not only admit their mistake, but when completed will not penalize them for the rest of their lives; and

WHEREAS, the Underage Drinking Project has the cooperation of the City of Pittsburgh Magistrates' Court, the Pittsburgh Police Department, the Allegheny County District Attorney's Office, the Pittsburgh School Board, the Public Defender's Office, President Judge Robert Dauer's Office and Mothers Against Drunk Driving; and

WHEREAS, by working with the offender, the community and the City Court system, the Underage Drinking Project developed a fair program that educates first time offenders about the

serious issues surrounding underage drinking; and

WHEREAS, youth that would be prohibited from participating in the program due to the cost can now receive some assistance;

WHEREAS, Frank B. Fuhrer Wholesale Company and Anheuser-Busch Division will set up a fund that helps qualified offenders pay for this program.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the organizers of the Underage Drinking Project and applauds the efforts of our fine neighbors, Frank B. Fuhrer Wholesale Company and Anheuser-Busch Division in helping our youth to be responsible young adults.

MR. O'CONNOR motioned to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Cohen:

We have a number of people here all who are participating in this project. Everybody knows Jerry Katalovich of course who used to be in east chambers helping us out. We have, of course, Chief Magistrate Simmons here, Dave here is who from Fine Foer Wholesale. Thank you for all your help Dave. We have Tony Keam from Anheuser Busch Division. We have Bob Whita, thank you for being here Bob. We have Commander Volenza whom everybody knows here. We have John Sherman from South Vo-tech. We have Michael Macken from the District of

the Public Offenders Office, you're wearing that hat this morning.

Thank you all for participating in that program.

Chief Simmons if you could tell us something more about it.

Mr. Simmons:

Thank you Councilman Cohen. Just briefly, I'd like to thank you all for giving us this Proclamation and also I'd like to thank Fine Foer Wholesale for sponsoring the fund that will aid really under privileged, underaged drivers who are unable to pay for the project to do so.

Just a little bit about the project. We started back in October 22nd of last year in developing this process. We got all these people together who are missing. I guess if we were to say the board on date, it would be February 1st of 1997 when we actually got it kicked under way.

Since that time, we've had approximately 100 students go through the underage drinking project. Now, we have approximately 350 underage drinking citations per year. Thus far, we've had, like I said since February 1st, about 100 students who went through this program.

What it is that they go through the Mothers Against Drunk Driving victims impact program where they view a video and have discussions around under-aged driving and the serious impact of under-aged drinking. They will then go through a drug and alcohol assessment. They'll do that through a variety of agencies, St. Francis Hospital, Gateway, now we've added Wales Tale and northern and



southwest communities to do the assessments.

If they are found to have a drug and alcohol problem, they will be referred for treatment as part of the program. If they're not found to have a problem or a dependency or any indication of a dependency, they will then go through four sessions of alcoholics anonymous. Again, just to get a feel of what it is and the effects of alcohol on the system.

Their final action they do is go for a tour of either the Allegheny County Jail or the Allegheny County Morgue. At the morgue they will actually view an autopsy. In some instances and we've been fortunate in many instances of someone who has been killed by either a drug driver or the drug driver themselves who have been killed as a result of alcohol in their system.

It's too early to give you any evaluation or any successors in the problem except verbally when we spot check when they come back for their review when they completed the program. We do ask them what they've learned and what the impact. So far it's been rather favorable.

We're not going to change in the world in doing this, but we hope that we can reach some of these youngsters who do not yet understand what it is to drink and certainly don't know how to do it responsively.

With that, I'd like to introduce Mr. Dave Foer and have him say a few words. He is committing \$5,000.00 to set up this initial fund. Again, that will help some of

those who are less fortunate and cannot afford to participate.

**Mr. Foer:**

First, on behalf of Anheuser Busch and Fine Foer Wholesale Company, I'd like to thank the Council for this Resolution. When Judge Simmons, his office called and asked us to get involved in this program, we thought that it was the responsible thing to do from a community standpoint. Obviously, we want to do everything we can to prevent underaged drinking. We can certainly wait for the business until these people become of legal age. We just thought it was a great program and we're happy to be involved in it.

Thank you.

**Mr. Cohen:**

Thank you very much Dave. Certainly you and the Foer family have made a tremendous contribution to this community and thank you for contributing once again.

I'd like to ask Bob Whita. I don't want to put you on the spot. But, Bob and I failed to mention before, of course, is from Judge Dower's Office, Administrative Judge Dower. Thank you for being here. Can you say a few words please.

**Mr. Whita:**

Thank you, Councilman. The people that you see up here that are involved in this project, did put a lot of thought and time in putting this program together. I think that Chief Magistrate

Simmons is understating at this point and time the success and the future for success for this program. On behalf of the Judge, I would like to thank the Foer family for recognizing the efforts of the people on this committee. Personally, I'd like to thank Chief Magistrate Simmons. This is his brain child and this is a program that he has worked hard to put together.

**Mr. Ricciardi:**

Thank you.

Chief, this sounds like a very promising program. I think it's very easy if one wants to sit at the bench and just find someone guilty, fine them, put them on probation and, possibly, jail time and then give them a record. It sounds tough and it might be acceptable to a lot of people, initially, we're being tough on underage drinking. But, what it accomplishes is, probably, nothing at all.

Whereas with this program it appears that we're still giving the person the ability to go through life without a type of record. Hopefully, we're getting them help and preventive type of medicine. So, I think this is a very difficult challenge that's been put before you. But, it's definitely not the easy way out, but it's the right way. I think it is very promising. Hopefully, Chief, after the evaluations, I'm able to change promising to the adjective it's a great program, it's wonderful program, it's working so let's move ahead.

After we see the results of this program, then maybe we should look into a program, for example of a young person who may have one marijuana cigarette. What should we do? Should we give this person a record for the rest of his life, put

him in jail and then let them come out and just they'll just continue following the path wrong or do we help that particular individual? So, maybe we can evaluate this program and move ahead in the future.

I really want to commend all of you. I really want to thank Mr. Cohen for bringing this forward.

**Mr. Ricciardi:**

I wanted to wait because I didn't want to take away from this program. I really want to thank the Foer family from the South Side, Frank and David Foer, for also for what they've done for the police memorial on the North Side regarding not just the initial capital improvement program, but the maintenance funding that they provided for the next 10 years, I believe. So, I want to thank the family.

**Ms. McDonald:**

Good morning.

This Resolution — I want to make sure I get his name in. I've been saying his name this way for a while, but some people — he's such a nice person that it wouldn't surprise me if I had misspoken his last name incorrectly that he never would have said anything about it. But, on record, we're going to get it right.

I'll read the Resolution.

**MS. MCDONALD AND MR. UDIN PRESENTS:**

No. 2288 WHEREAS, on Wednesday, September 10, 1997, Robert O. Agbede, will celebrate his 10<sup>th</sup> Anniversary as President and CEO, of

Advanced Technology Systems Inc., in the beautiful surroundings of the National Aviary in Pittsburgh; and

WHEREAS, Advanced Technology Systems, based in Monroeville, is one of the largest air quality management companies in the United States. It is also the largest African-American owned engineering firm in the tri-state area. ATS has grown from a one-man operation to its present 20,000 square feet headquarter facility, providing employment to over 65 technical and administrative personnel in three states and the Caribbean;

WHEREAS, one of the many projects Advanced Technology Systems has recently been involved in is the highly publicized Pittsburgh Urban Redevelopment Authority's project for the LTV site; and

WHEREAS, Robert O. Agbede demonstrates the finest qualities of leadership and integrity on a personal and professional level. He has been previously named SBA Pittsburgh District Minority Entrepreneur of the Year and his company, Advanced Technology Systems, Inc. (ATS), has been named MBOC Service Company of the year. Mr. Agbede is also a 1997 finalist in the prestigious Ernst & Young/USA /today Entrepreneur of the Year Award.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes Mr. Robert O. Agbede for his strong leadership abilities and commends him for his commitment to the African-American communities.

BE IT FURTHER RESOLVED, that the Council in the City of Pittsburgh declares Wednesday, September 10, 1997 as "Robert O. Agbede/Advanced Technology Systems, Inc. Day" in the City of Pittsburgh

MR. COHEN motioned to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Ms. McDonald:

This is a wonderful gentleman who is receiving this reward. I have not known Bob a long time. I ran into him and I kind of knew about the company when I worked in the Monroeville Research Center myself at a different company. I would always pass by the facility and knew that they were providing the same type of analytical services that I was doing at my company.

But, I got to know Bob politically through the years. I can say that this is one of the finest gentlemen, African American entrepreneurs in the City of Pittsburgh and in this region that I had known in a long time. I keep saying gentleman because that is the word -- when I first met him, that was the first impression. I said, what a gentleman he is. He's very aggressive showing leadership skills, business skills and what's near and dear to my heart, he has a spiritual base, himself.

Bob is the Assistant Pastor at Central Baptist Church. If I had given this man a little more advanced notice that he was receiving this resolution, I'm sure that the brothers and sisters of Central would

be here. But, that's all right because they'll know about it.

I also want to commend him for his leadership in the church. Central Baptist also has a Christian Academy for elementary and Bob has served as the principal. So, again, he is committed, he's a wonderful father, he's committed to children, he's committed to the church and he's definitely making an impact in this business community. He's doing this not just as an African American, but we're going beyond that. Bob is a dog gone good business man, period.

I also want to ask for Councilman Udin for his comments and, then, Bob I'd like to hear from you.

**Mr. Udin:**

Thank you, Valerie.

I'd just like to add my congratulations to Mr. Agebe for his 10th Anniversary. I've visited the facility in Monroeville. It is really a very impressive facility and have looked at the kind of work they have been doing in managing and improving air quality. Everyone knows how important the management of air quality is in Pittsburgh. It's been the reason why we've been able to move forward in other areas of economic development because we've been able to clean up the air and the water and the ground in this City. Companies like Mr. Agebe has made a very important contribution.

I'll also add that he is making an effort to move his company from Monroeville into the City of Pittsburgh. We may be able to be helpful in making

that happen. There's several employees he is in the company and the City would benefit a great deal from having a company like his within the city boundaries.

Again, congratulations to Mr. Agebe in his ten years of service.

**Mr. Agebe:**

Good morning.

I want to thank the Council for this Resolution. Above all, we thank God for bringing us a mighty long way. We thank God for the last 10 years and we thank God for what he's doing right now and we also thank God for what he's going to do by the next 10 years. We know we didn't get here by osmosis, there is a purpose for being here.

As we move forward, we want to thank the City for their support over the years. We want to thank Sala who's always been my support and Valerie; Mr. Ricciardi here, Gene; Dan. I don't know Mr. O'Connor too well. Mr. Hertzberg, I don't know you, but I'm sure in the future we will be working together and the other gentlemen here this morning.

The City has been very kind to us. We work for the City. Oh, Mr. Ferlo, I didn't want to forget you. You're right behind me here. I dear not forget you. We work Mr. Ferlo who has been our supporter in the past.

The City has been a big supporter of ours. We do a lot of work for the URA, LTV Site, and Nine Mile Run. We do a lot of work for the City Water and Sewer Authority. For one thing, charity begins at

home. We do a lot of work internationally. We have offices in Virginia and we're setting up one in Cleveland right now. We do a lot of water related work, not just air quality.

So, we want to thank the City for their support. We're looking forward into negotiating with the City to move to Second Avenue with our own facility on Second Avenue even as we grow. We look forward to being in the City of Pittsburgh and a part of the Renaissance.

Thank you so much for your kindness this morning. We look forward to working with you.

**The Chair:**

Bob we don't know how you fight the Parkway everyday. You have to move into the City. We're help you build a nice building.

We have one to be read into the record by Councilwoman McDonald also.

**MS. MCDONALD PRESENTS:**

No. 2289 WHEREAS, the Abraham Grand Lodge and Princess Ghana Grand Chapter will celebrate their 40<sup>th</sup> Annual Grand State Convention at the Palace Inn, Monroeville, Pennsylvania, September 12, 1997 thru September 14, 1997; and

WHEREAS, in 1952 the International Free and Accepted Modern Masons was successful in establishing a lodge and Eastern Star Chapter in Philadelphia. This opened the door for other chapter to soon follow; and

WHEREAS, in Pennsylvania, Joppa Lodge #1 is the father lodge and Tabitha Chapter #4 is the mother chapter. For several years Pennsylvania was governed by the Joint Council. On September 14, 1957, the craft of various lodges held an assembly in Philadelphia to reorganize the chapters; and

WHEREAS, Abraham Grand Lodges' Charter unveiling was April 6, 1963, under Reverend Brother Hugo B. Ings, Sr., Grand Master of Pennsylvania. Princess Ghana Grand Chapter's Charter unveiling was May 1965. Since that time there has been 12 Grand Masters and 12 Grand Matrons in Pennsylvania.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh congratulates Abraham Grand Lodge and Princess Ghana Grand Chapter on 40 years of community service and best wishes on future endeavors.

MR. UDIN motioned to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

**The Chair:**

Councilman O'Connor, you have a number of guests in the audience.

**Mr. O'Connor:**

Will the ladies from the adult literacy please come up. We have three distinguished guests. We have Lisa Gale from New York with us today; Maret Spear, Executive Director of PCTV

Community Access Television; and Judith Erinson from Goodwill Industry's Adult Literacy Program.

Before I read this Proclamation, I guess there's many reasons for success. But, there are probably two main ingredients that are about the program. Success in anything is hard work and education. Unfortunately, so many adults have, for whatever reason, not had the opportunity or didn't take advantage of it, and are lacking the education and reading skills to succeed. This is an exciting pilot program which was started here in Pittsburgh.

I'll read the Proclamation and let the ladies tell you a lot about it.

**MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENTS:**

No. 2290 WHEREAS, In 1991, the Ford Foundation commissioned The Adult Media Literacy Alliance (ALMA) to study and review the state of adult literacy in the United States and to examine the potential of medium of television and video as an effective means to teach and enhance adult literacy: and,

WHEREAS, ALMA found that television and video instruction is an effective educational tool, allowing for ease of access, home instruction, self-directed learning, repetition and privacy; and that the television and video instruction benefits literacy providers by offering opportunities to improve program quality and the scope of populations served.

WHEREAS, ALMA, 1994, responding to the unmet need for literacy

instruction in the United States, selected four pilot cities, Seattle, WA; El Paso, TX; New York City, NY: and, Pittsburgh, PA, in order to promote ALMA's literacy program. A major grant for development of the ALMA educational program has been provided by the Ford Foundation, with expansion funds from the Lila Wallace-Reader's Digest Fund, Inc., and, in 1996, ALMA moved ahead with the development and production of pilot video programming aimed at an adult audience between the ages of 25 and 44.

WHEREAS, Pittsburgh's ALMA Chapter, serves an adult population of whom more than half do not have a high school diploma. ALMA and the Pittsburgh Chapter of ALMA are participating in a national campaign called "Adult Literacy Week" beginning September 8, 1997. The Pittsburgh Chapter will use this week to promote the ALMA educational program and get community leaders involved in the project, which will premier in July 1998.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Adult Media Literacy Alliance and the Pittsburgh Chapter of ALMA for their work to better educate and serve the people of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare the week of September 8<sup>th</sup> through September 14<sup>th</sup>, 1997, to be "Adult Literacy Week" in the City of Pittsburgh.

MR. COHEN motioned to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

I'll present this to Lisa Gale who came in from New York and produced this short video, it's two and a half minutes to tell us all about.

**Ms. Gale:**

Thank you very much to the City Council of Pittsburgh. I'd like to extend special congratulations to Maret Steer of Pittsburgh Community Television and Judith Erinson of Goodwill Industry.

The Adult Literacy Media Allegiance is developing a national adult learning service based on television and video. We are developing a range of products that include not only the television and video, but internet applications print material and community based services.

Pittsburgh is very important to us as a pilot City because they are helping us make the video that is useful for the population here in Pittsburgh and that can be replicated and used across the country. The key to the success of this undertaking will be the application of the video and the other products that I mentioned in community based settings. The partners that we mentioned here in Pittsburgh have been extraordinarily helpful to us.

We're trying to get this programming outside of the traditional educational settings and into non-formal places such as shopping malls, supermarkets, jails, and other such places

where literacy services are needed. Our goal is to bring literacy services to the people that need it, those millions of people who are not currently in classes.

Ladies and gentlemen, we are developing real television. This is not your traditional education kind of brain ugly educational television, this is television that looks very much like the television that is currently out there. With that I'd like to show you a couple of our clips. It's very, very brief as the Councilmember mentioned. This clips include a parity of a television commercial and a celebration of literacy.

Roll the tape, please.

In closing, I just want to say thank you to you because it's the people of Pittsburgh who through their ingenuity, through their creativity, through their expertise in training in education have contributed to making it what you have seen here and what will be launching in September of 1998 in four cities around the country and later nationally.

Thank you.

**Speaker:**

I think we're really privileged here in the City to be a pilot. Which means that all the production videos and all the accompanying print materials will be of no cost to this area. When it goes national, whoever buys it will have to pay for the support to bring it into their area.

We have a strong literacy community here Pittsburgh and we need everyone's support to help us so that this is acceptable not just on television, but

where people can come in and sit down and view it and get the accompanying print material.

Our literacy organizations will be able to back to this. But, we want it much broader, the literacy organizations. We need it to be in every kind of major meeting site like office waiting room so that people are exposed to it and will seek it out.

We thank you so much. City Council you've been very generous for years in your support of literacy and I want to acknowledge that and hope that you will spread the word.

Thank you.

**Mr. O'Connor:**

I believe I was following in, especially the Readers Digest, the Ford Foundation there was a major grant at the time. So, we were very fortunate to be one of the four cities. Lisa you just said you got it renewed and it will be for another three years. There are other grants that we're seeking. It's a tremendous opportunity to help all the people in Pittsburgh.

I want to thank you very much.

**The Chair:**

Thank you very much.

**Mr. Onorato:**

At this time, I'd like to have Charles Lieberth and his family and friends that are here with him today come forward. I know there's a lot of

individuals in the audience here for Charlie, please come forward.

As they're walking forward, Charlie is coming up here with his wife, Millie.

Now, all of you that were sitting out here and didn't want to come forward, we're going to mention you anyway. Bill Costallo is here, the former HUD Official; Paul Steiner; Jim Robinson; Tom here, there's some staff here from CCAC, there's Pat, Rose, Sheri and Jim out there; Joe Natolli; Ron Zolla, Veteran Leadership; and Joyce Lynn Chaplin from Vietnam Veteran. I want to thank you for being here. Deputy Mayor Sal Sirabella and Paul Hennigan who is a friend and a neighbor of Charlie Lieberth. Thank you for coming here today.

I have a Proclamation here for an individual. This Proclamation is really for a lifetime of achievement. When I read the Proclamation, you'll know why I said a lifetime of achievements. But, there's one piece in here that sticks out in my mind. It's something that just amazes me. That is, a couple of days back in June of 1944, on D Day and Charlie participated during that time, he did more in that month than most of us probably have to endure for a lifetime.

I want to read the Proclamation and hear from Charlie and some of the individuals here.

**MR. ONORATO PRESENTS:**

No. 2291 WHEREAS, Mr. Charles Lieberth was raised on the Northside of Pittsburgh; and



WHEREAS, Mr. Lieberth entered into military service in 1941 and is a veteran of World War II, having served in the original cadre of the famed 505th Parachute Infantry, 82nd Airborne; and

WHEREAS, on Friday July 18, 1997, Mr. Lieberth received the distinguished D-Day Normandy medal. He was bestowed this honor by Jean-Pierre Collet the Honorary Consul of France for his brave service at Normandy during D-Day Operations on June 6, 1944; and

WHEREAS, during his lifetime Mr. Lieberth has established an outstanding track record in government service. In addition to service with the Pittsburgh Board of Education and as a state official under Governor Shafer, he was the first director of the Department of Housing and Urban Development regional office in Pittsburgh; and

WHEREAS, until November 1983, Mr. Lieberth served as the first Cabinet-level Executive Director of the Governor's Human Resources Committee of the Cabinet where he worked effectively with both Democratic and Republican legislators in Pennsylvania; and,

WHEREAS, Mr. Lieberth joined the Thornburgh Administration in 1979 as Executive Director of the PA State Public School Building Authority and the Executive Director of the PA Higher Education Facilities Authority; and

WHEREAS, he has earned his Bachelor of Science and Master of Educational Administration degrees from the University of Pittsburgh. He has a graduate degree in Urban Affairs. Additionally, he holds an honorary

Doctorate in Public Services from LaRoche College; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Charles J. Lieberth for his service to the United States, for his bravery and patriotism, and for a lifetime of government and public service

FURTHER BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, September 9, 1997 as Charles Lieberth Day in the City of Pittsburgh.

MR. O'CONNOR motioned to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

Before I give this to you, Charlie, I just want to point because this really doesn't explain in detail, it would take pages to do that. But, here's an individual if you can just imagine that parachuted behind enemy lines before D Day. It's in the history books so you know how it ended up. But, in those days he was doing that, who knew if the allies could ever survive the benches and he was behind enemy lines along with a lot of other brave individuals ready there to help.

Charlie I just want to congratulate you and thank you for all your service in government starting back in that summer of 1944. If it wasn't for you and thousands of other individuals, many of

who did not make it back, fought for to preserve the great country that we have.

More importantly, I want to thank you for being a friend and a mentor to me.

Thank you, Charlie.

**Mr. Lieberth:**

As always, I'll be very, very brief. To President Ferlo and Members of Council here and many friends that are gathered here, I want to gratefully thank you for this complementary Proclamation that's been given to me.

I just hit 75, a youthful 75. I'm a proud Pittsburgher who's been identified and even prouder North Sider. As an old North Sider, that area was always known as Rooney country. I first met Art Rooney when I fought out of the St. Pete's Life's Unit. It was one of the favorite places that Art Rooney helped to fund.

Anyway, during War World II, I did serve under Matthew Ridgeway who was a West Point Academy graduate. As you know, the Academy code is duty, honor, country. I've always used that as kind of my guidelines as the many public service positions that I've held over these many years.

I also am a firm believer of the code of citizenship which claims in it's code that public service is the highest order of service that you could do. I also believe in pride in the family name and in family. There's another guideline, the behavior and the responsibilities that you hold in public service.

As I said, I'm a youthful 75. I'm grateful to my maker for giving me the many privileges and the opportunities I had to service this city, the state and the nation. I kind of hope the Good Lord let's me have a few more years to serve you even more.

Thank you.

**The Chair:**

At this time, I'd like to ask Joe if he would come forward.

**Mr. Natolli:**

Thanks Dan, I just want to express to you people that I didn't know Charlie three or four years ago until I was the Director of Veteran Services. When I attended a lot of the meetings, the veterans council and all that stuff, the one guy that I noticed right off the bat, did not put a plug in for the Korean War Memorial too which Charlie is involved in.

The way they're treating veterans today, people forgot about the wars and what these guys went through. When you see the papers, you what's being cut back left and right. It's guys like Charlie -- fifty years ago what he did. Just like Dan said, it's not on paper here today, but he went behind the lines.

I got to like Charlie so well that -- you talk about Josie Madison, you talk about Roberto Clemente, you talk about Mario Lameau, the real heroes are guys like Charlie Lieberth. He was always my hero from the first day I met him and it's a honor for Council to give credit to this man because there aren't many of them left. A lot of these guys have passed away.

But, Charlie is a true inspiration for all of the veterans coming up.

I thank you very much for the opportunity to speak.

**The Chair:**

Thank you and congratulations.

Deputy Mayor, good morning. I want to thank all the guests for being down here in Council today. I don't know if Councilman Onorato has one to be read into the record or if he has other guests here this morning.

**Mr. Onorato:**

Is there anyone representing Old Allegheny/Spring Hill?

I'll read it into the record.

**MR. ONORATO AND ALL COUNCIL MEMBERS PRESENTS:**

No. 2292 WHEREAS, on June 3rd at the Neville Deck Hockey Court in the South Side, Old Allegheny/Spring View captured the Citiparks Deck Hockey Cup for the 12 and under division;

WHEREAS, the twelve members of the team defeated Phillips Park 4 to 1 in the third game of the championship final. Overall the team compiled a 17-3 record for the tournament; and

WHEREAS, additionally, four teams entered the NHL Break-Out Tournament held in Station Square.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City

of Pittsburgh hereby congratulates the Old Allegheny/Springview 12 and under Citiparks Deck Hockey team for their Championship win in the Deck Hockey finals.

**MR. O'CONNOR** motioned to adopt the resolution.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**The Chair:**

Moving to presentation of papers.

**MR. CUSICK PRESENTED:**

No. 2293 Resolution authorizing the issuance of a warrant in favor of the Geyer Printing Company in the amount of \$22,118.53 in payment for the printing of the Department of Parks and Recreation's Summer Magazine, for the benefit of the City of Pittsburgh without previous authority of law and providing for the payment thereof.

Which was read and referred to the Committee on Finance and Budget.

**The Chair:**

That's the one that didn't list our names in it.

**MR. RICCIARDI PRESENTED:**

No. 2294 Resolution transferring the amount of \$250,000.00 from various Code Accounts within the Department of Public Works to other various Code Accounts within the Department of Public Works.

Which was read and referred to the Committee on Finance and Budget.

**MR. UDIN PRESENTED:**

No. 2295 Resolution providing for the issuance of a \$1,452.58 warrant in favor of Thomas J. Runco in settlement of a claim for an accident involving a city police vehicle on June 9, 1997, chargeable to and payable from Code Account No. 46, Judgments.

No. 2296 Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the "Underage Drinking Trust Fund", for the deposit of cash and contributions from companies, etc. and authorizing the use of the funds deposited therein by the Department of Magistrates Court for any and all expenses associated with the Underage Drinking Program.

No. 2297 Resolution providing for the filing of a petition for the sale of certain property acquired at tax sales in accordance with Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act."

No. 2298 Resolution providing for the Conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act". Which were read and referred to the Committee on Finance and the Budget.

**The Chair:**

Moving to Unfinished Business or Reports of Special Committees. Any matter to be brought before the Body.

**UNFINISHED BUSINESS**

**The Chair:**

Councilman Cohen, I don't want to put you on the spot. I just wanted to clarify again our appointments on the Civilian Review Board.

**Mr. Cohen:**

Thank you, Mr. President. As we discussed last week, the names from Council are due Monday, September 15th. So please if you haven't selected your person yet or the list for the Civilian Review Board, please do so that we can send them over to the Mayor's Office by Monday, September 15th.

One change, Mr. President, in discussions with the Administration, they said that they need an extra week to be able to send the nominees back to Council. What I suggested to you is that we would still be to, with Council's approval, get the nominees confirmed by October 1st if we were to recess the Legislative Meeting the day before, that would be September 30th. We would have confirmation hearings October 1st and then have a vote after that confirmation hearing, after the Wednesday agenda. So, I wanted to put that forward and see if that meets the approval of Council.

We would then be able to have all our names sent to the Mayor's Office. Have the Mayor send the nominees back for Council to confirm them by October 1st which is the date stated in the Legislation.

**The Chair:**

Thank you.

I'm very supportive of this suggestion because I think we need to give the Administration and the Mayor some time and opportunity to react to Council's nominees. Part of the balancing act here in terms of the composition of the Board, we want to define composition. It is the ability of the Administration to come up with additional names past the nine that we recommend recognizing that only four of them will be selected.

So, however you want to define gender, race, political persuasion, territory, geography, job experience, professionalism, you name it, we want to have a well balanced and elite group of volunteers that will serve on the Board. So I think the Administration if they need additional time, that's fine. We can do both, we can give them some additional time to react to our nominees and still have confirmation finally on the 1st. If there's actually any formal opposition to anybody then, at least, we'll have the main group appointed and we can go back to the additional nominees.

So, if there's no objection, I'm going to suggest that we kind of look towards that process. Again, the burden is on all of us right now in the next week to finalize our nominees. Also, I believe many colleagues have provided the Clerk's Office with background resumes and interest letters that some of you may have individually received, but not all of us electively have received.

There are a lot of excellent individuals who would like to serve. Every Councilmember can't choose all the people that have communicated to them,

but we or another colleague might want to, this was Councilman Onorato's suggestion. So, I believe the Clerk's Office is trying to get that information together.

So, if you have any information to share regarding any nominees, please let the Clerk's Office know so we can share as much information as possible.

On another matter under Unfinished Business, I did want to finalize that at this point we have a series of public hearings scheduled. We have the four public hearings schedule now on the Regional Renaissance Sales Tax Reform Proposal. This is the ballot question on the issue of raising taxes for the stadium construction.

There are four hearings scheduled now. One is Monday, September 22nd in the evening, all these hearings start at 6:30 p.m., that's going to be in the East End at Taylor Allderdice High School; Tuesday, October 22nd at Brasher High School, South of the river; Thursday, October 16th at the open door Crafton Heights in the West End; and the final hearing on the Regional Renaissance Sales Tax proposal will be Tuesday, October 21st close nearby the election at Perry Traditional Academy on the North Side. If there is anybody who would like to speak at these public hearings, please notify the City Clerk at 255-2138.

Again, this is either if you're for or you're against or you have comments on the issue of the Sales Tax Referendum. A question that, unfortunately, will continue to be on the ballot in November. I would urge the public to look past the 20 words of the Referendum question and actually

read a copy of the 75 page law. I think you'd be inclined not to vote for it. If you need copies of that law, please call my office at 255-2140.

On the public hearings regarding the Zone change, we have six public hearings. This is an issue that really is a fundamental issue to the livability of our neighborhoods, our communities and our commercial areas. We're trying to schedule these six public hearings on the Zoning Code.

The public hearings are now scheduled for Tuesday, September 30th in the evening at 6:30 p.m. The first public hearing on the Zoning Code will be in the Shadyside/East End area at Liberty School in the Community of Shadyside; Thursday, October 9th at the Market House Center in the South Side. This is on Council's adoption of the new re-write of the urban Zoning Code for the city government. Tuesday, October 14th we'll be at Greenway Middle School in the West End on Crucible Street; Tuesday, October 28th at Allegheny Middle School, located at Central North Side on Arch Street; Wednesday, November 5th at Peabody High School. I'm trying to get Valerie and me at least one public hearing out in our neck of the woods. Peabody High School will host one of the Zoning Code hearing meetings. Peabody up on Highland Avenue and East Liberty Boulevard. Then, the final hearing prior to the preliminary vote will be back in City Council Chambers during the day at 10:00 a.m. All those evening hearings will be at 6:30 p.m. The last Zoning Code hearing will be actually in City Council Chamber.

The public hearings, those who work in and around the downtown area,

the developers, the commercial people and others may want to additionally have comments to Council. That hearing will be on Thursday, November 13th at 10:00 a.m. in Council Chambers.

So, again, if you have comments on the Regional Renaissance Tax or comments on the changes in Council's adoption and the fundamental re-write of the City Zoning Code which has not been done since, actually I believe, 1958, you call the City Clerk at 255-2138.

These are complicated issues and I would encourage all constituents to call or write to your respective District Councilmember to get some input and be educated more fully on the Zoning Code issues. We're anxious to hear from not only neighborhood groups, but others who work with the Zoning Code on a daily basis. So, developers and commercial people and landlords, tenants, property owners, residents, community organizations please come out. There are a lot of people through the course of the year that have to confront or interact with City Government, the Zoning Board, the Planning Commission or this Council regarding the Zoning Code. So, there are a lot of very important -- there are many important issues and we encourage active participation before Council's final vote.

But, I think Chairman Onorato made it clear that we need to move on this between now and the end of the year and make some clear commitment on the Zoning Code changes. So, I want to thank Council for their corporation in getting these hearings set up.

They will be cable cast. If there's no strong opinion about any additional

hearings, we'd like to keep it to the 10 number.

With that I want to thank you.

I do want to say also though on the earlier issue of the Regional Renaissance Tax, I know the ballot is going to be very confusing. I think the ballot will go to press by the end of this week, I talked to the Board of Elections. I don't think people know and the media is not doing too good of a job explaining it, but there are actually a large number of questions that will be at the top of that ballot. I know Commissioner Dawida tried to sort out that issue actually for the voter's knowledge. I would suggest when we get a copy of the ballot we ask the cable bureau to make it available to the public over our city cable station. Not to be opinionated about the issue, but just so they can explain it. I know Councilwoman McDonald has done this in the past, maybe she could be helpful with Director Miskovich.

Right now, the first seven lines will be dedicated to judge retention at the state level, yes or no on state judges. The next five lines will go to additional five state judges, yes or no on retention. This is followed by three separate constitutional questions which I don't think most people are aware of. There are three separate constitutional questions. One is the issue about changing the taxation, the so-called tax homestead proposal, changing the mix of taxes so that there can be differential rates for property owners. There's a second constitutional question regarding a recommendation that all of the Pardon Board's recommendations must be unanimous when they make a recommendation to the governor before he

or she can act on it. So, there's a constitutional change regarding the Pardon selection. The third one is the question of changing the election for absentee ballots. There's a constitutional change on the absentee ballot question which right now it says you have must be absent from your municipality, it's a state law. This change would allow you to be absent from your perspective county. It's a minor change but it has to do with people that work far away from their respective municipality within Allegheny County or wherever you might be. The present law says you must be absent from your municipality. This is changing it to you must be absent from your county. It's a small point but, in any event, it's going to be a question. Finally, last but certainly not least, I am pleased that this is the last question on the far right. I'm sure the Allegheny Institute will appreciate that. The last question on the far right at the top of the ballot will be the yes or no on the Regional Renaissance Tax.

At least we'll be able to zero in on that last question at the top of the ballot. This is going to be an unusual ballot. Again, there are 16 separate things that people have to vote on at the top line which is very unusual. Usually there's one or two. There's going to be 16 separate votes on the top line. The last one on the far right being the issue of the Regional Renaissance Sales Tax for the stadiums.

So, I wanted to let Council know about that. I think we should try to educate the voters between now and election day. I think we should ask the City cable bureau to post that ballot question someone to educate the voters.

**Mr. O'Connor:**

One of the reasons I suggested we have these four renaissance tax hearings is to educate the people to make a decision and not to just come and say you're for or against and make all the normal arguments that we'll hear. I think a lot of people should come just to find out what it's about so that they make an educated choice.

One recommendation maybe since we're having eight hearings on Zoning and the tax, maybe we could have the ballot there to spend five minutes and explain it to our people. As you said, I think a lot of this is really education to let people make the right decision.

#### **The Chair:**

That's an excellent suggestion. I would ask the Clerk's Office to communicate to Mark to try to get a copy of it so we can make a little bit of a billboard and we'll display it at all the hearing, the Zoning hearings because we will be covering large numbers of neighborhoods throughout the City. I think that's an excellent suggestion and we should try to follow-up on it.

Any other matter regarding the other issues?

In terms of the Regional Renaissance, if there's no objection from Council, I was going to ask that we hear an overview pro and con on the tax. I was going to ask that the Regional Renaissance Partnership Group maybe make a seven minute presentation. Then, correspondingly, I was going to ask the Allegheny Institute and/or State Representative Walko or others who have been identified advocacy wise in

opposition, maybe hear two introductory statements and go directly to public comments.

If you have any suggestions on that, please let me know.

Moving to other matters, Reports of Committee.

This is for final action. We only have a couple of Bills for final action today.

### **REPORTS OF COMMITTEE**

#### **MR. ONORATO PRESENTS:**

Bill No. 2299:

Report of the Committee on Planning, Zoning and Land Use for September 3, 1997, transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2101

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 7, by changing from "A1" Commercial-Residential Associated District and "M4" Heavy Industrial District to "C3H" Commercial/Residential District all that certain property bounded by, South Ninth Street, a line located between South Ninth Street and South Tenth Street a distance of 258 feet south of and parallel to the Bingham Street right-of-way, South Tenth Street and a line located between South



Tenth Street and South Nine Street a distance of 58 feet south of and parallel to the Bingham Street, right-of-way, 17th Ward.

Which was read.

**The Chair:**

You've heard the reading and title of the Bill, is there any discussion?

I'll just quickly say I want to thank Councilman Ricciardi for his leadership on this rezoning and also the South Side groups, Mr. Tripoli and others. We were going to have a very small upscale office building at the time. Now, we've held out for a very major hotel and development as well as saving two significant buildings that maintain the ambiance and character of the South Side which has proved very successful in terms of business and residential development.

So, I'm very pleased obviously to cast a vote in the affirmative today.

**Mr. Ricciardi:**

I just want to add since you mentioned regarding development Mr. President. Because of this development right across the street, the old Bedford School now is going to be, I think, upwards to four condominium units. They are going to be selling for over \$100,000.00 plus.

The developer and the owner has told the South Side community that she would never have invested those types of dollars if across the street there would not have been that buffer, the buffer being the historic buildings. So, I think that besides

being vindicated, you're absolutely right. But, it appears that now you're going to see a domino effect because of good development occurring and not just warehousing.

Thank you.

**The Chair:**

Thank you.

Any other comments?

If you're in favor of the rezoning, please vote aye when you're names are called. If you're opposed, vote no.

Will the Clerk please call the roll.

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

**AYES      Nine      NOES      None**

The Bill having received the legally required number of votes has been approved finally.

**MS. MCDONALD PRESENTS:**

Bill No. 2300:

Report of the Committee on Housing, Economic Development and Promotion for September 3, 1997, transmitting one resolution to Council.

Which was read, received and filed.

Also, with a recommittal recommendation.

Bill No. 1878:

Resolution providing for an Agreement or Agreements with Pittsburgh Partnership for operating and/or administrative expenses of their agency involved in a variety of community/ economic development, at a cost not to exceed \$340,000.00.

Which was read.

**The Chair:**

You have heard the reading and title of the Bill, is there any discussion?

**Mr. Udin:**

Thank you, Mr. President.

Colleagues, I believe that there are people in the community and even some directors who believe that one of the ways of circumventing Council's wishes expressed on a Wednesday's Standing Committee Meeting is either ignore them and maybe they'll forget it and vote it right in on Tuesday or give them a last minute response such as Friday or Monday and figure that they will go right past it.

I don't know about any of my other colleagues or the Clerk's Office or the President's Office, but I think we were very clear last week in stating that we wanted to hear from the Partnership relative to Council's involvement in the Board.

Year after year after year, we make a substantial investment in this organization and don't think it's too much

to ask for, at least, a response. I get a phone call this morning indicating that there has been no response from the Partnership. The Director of Planning still doesn't know what their view on it is but they wish we would go forward with the money.

I will be moving and I do hereby move to recommit this Bill, Mr. President, and ask someone from the Partnership to be present with us tomorrow. If they are really serious about a partnership with Council, then they should be present and respond. I think that the investment that we've been making over the years at least deserves a response and I so move.

**MR. O'CONNOR** seconded the motion.

**The Chair:**

There's been a motion for a recommitment and it's been seconded.

**Mr. Cusick:**

I'm glad that Councilman Udin offered to make a motion to recommit because quite frankly I was ready to vote no. I think that we just stated on Wednesday that they've ignored us for over a year. When you originally asked them to come up with some decision making policy and how Council would be involved and they refused to do that. Again, they refused us.

I don't want to have to vote against this but, unfortunately, if they continue to ignore us, I will vote against it. I was prepared to do that today. I will vote for the recommitment. I would hope that it was over an oversight and that they'll finally

come tomorrow and address the problem of Council's participation.

**The Chair:**

Any other discussion?

**Mr. Ricciardi:**

I'll be very brief. Obviously, I support the Resolution and we stated in the past and we've thrown this idea around and I've been an advocate of it also. I really believe that all grants and aids should come before this Legislative Body. That we should vote by a line item. Unfortunately, there wasn't a support of five members, but this is an example of, I believe, non-respect or not showing a decent amount of respect for this Legislative Body to get back to us on certain information and hopefully having representation from this Body on the Partnership, including the ACBO Board.

So, once again I'm going to support this. But, I'm prepared with four other members and, hopefully, the entire Body, just to take them as line items as we do with our other solid LDC, CDC and community groups through this Council through the public hearing aspect and through the budget process.

**The Chair:**

Any other discussion?

I'll support the recommittal. This money, obviously, is money that is already committed and spent for this year. I think the community groups that planned on utilizing this fund I think they need to get their money at some point. But, I'll support the recommittal on the basis that

it's the hub to get back to the table the discussion on these issues.

I am less concerned about this money and what has gone on in the past. I'm more concerned about what is going to be the configuration of community based development initiatives, residential and commercial in the future. What is the actual organizational structure that's going to be in place in our respective Council Districts to lead and initiate and be kind of the advocate for community based development as we know it?

There's a shake-up going underway. I think Councilman Udin's point is well taken. When you add up all the money we give not only the bill that's before us today, but as Councilman Ricciardi said, the ACBO money which is over \$500,000.00 as well as the individual ULO contributions that each Councilmember give to respective community based groups. I give maybe \$50,000.00 or \$60,000.00 to my council district. We're talking over \$1.5 million dollars that this Council allocates each year to neighborhood based groups. If anybody needs to provide oversight on what we're getting for our money or needs to evaluate the performance of that initiative or needs to be involved in rethinking and reshaping or refashioning what kind of community development initiatives will be in the future, it's really this Council.

We not only control the one million plus that I just outlined. Fundamentally, we're the ones that vote directly on the \$23 million dollars annual Community Development Block Grant. It's almost like the Regional Sales Tax thing.

I'm getting sick and tired of the Allegheny Conference and the Corporate Elite in this town that gets together with a couple of people from the Mayor's Office and they decide everything from what the Curfew Center is going to look like to what kind of commitment they're going to make to the School Board and the educational system, and whether or not they're going to fund community development housing or commercial initiative. We want them to be a player and a partner, but it has to be a partnership. And, so far it's not a partnership. It's a few people from the Pittsburgh Foundation and others, many of them don't even live in the City of Pittsburgh, making all of these decisions. I just think we have to go back to the word partnership and we haven't seen it.

So, I'm very pleased to vote on the recommitment. But, I don't know that we're going to get any further at the meeting this coming Thursday when we meet. I think we just need to collectively refrain what Council's opinion is. Not only on this one Bill and this allocation, but what it is that we want in terms of how we want to be involved in community development initiatives.

**Ms. McDonald:**

To Councilman Udin, you had eluded that there was a last minute response. Was there a definite response? If so, what was it?

**Mr. Udin:**

No, the Director was not able to say what the response of the Partnership was. So, there's no more information that

we have this week as to what their responses was last week.

**Ms. McDonald:**

My concern is that it was very clear that this Council Body was not adverse to the recommendation that we receive some response. I think it's very disrespectful. For that matter that if you want to work with us, then, at least do us the due courtesy of giving us a response. I'm ready to vote for the recommitment.

**The Chair:**

I think politically what's happened is the view from the Foundation, the Partnership, the Pittsburgh Foundation, it's an usual view that they've held for a long time. I think their view is, basically, we will work with the Mayor and the Deputy Mayor but we're not going to get involved with Council and all these neighborhood group things and all that. They want to work with one player.

Well, unfortunately, there are a number of players when we're talking about doing community development. We applaud the Mayor in specifically and the Administration and the URA because they've done a lot of great things at the neighborhood level to support commercial and residential development. But, we are also a key player in deciding allocation, strategy and policy. Whether they like it or not we have to be involved and we're not.

I don't see why it's an outrageous request that either Mr. Onorato who chairs Planning and Zoning or Councilman Udin as the Finance Chair or yourself in Housing, Economic and Development and

Promotion, I don't see why two or three members of this Council can't be on the Partnership Board. I don't think that's an unreasonable request.

**Ms. McDonald:**

Well, I think a more reasonable, rational response would have been that maybe they could not give a yes or no, but they would commit to, at least, meet with the Council Body or at least a few representatives who would be interested so that there could be a dialogue. That, to me, would have been taking the high ground and not making, necessarily, enemies and not making obstacles for yourself, but to sit down and have a real dialogue. I don't know what the fear is of having a dialogue with Councilmembers who are very concerned. At least, there would be some definiteness as to a response. But, a non-response to me is not a respectful kind of thing to have. It certainly doesn't move anything forward.

Again, I think it was dumb. I would rather them come to the table with some type of dialogue. I'm ready to go with the recommittal.

I agree that these moneys -- that it may not be a very meaningful recommittal, but I think it sends a message loud and clear, don't give us a non-response. We're all adults here let's sit down and talk. This is money we're talking about.

**The Chair:**

Thank you.

Also, as a follow-up to Councilman Ricciardi's repeated issue about the allocation of the so-called

ACBO money. I think giving the fact that we're going into a budget deliberation, I would ask that Councilman Udin and Mr. Salac from the Budget Office, I would like to know what the per capita breakdown is of the block grant eligible residents by district so that we can look at a different formula for the use of the ACBO and Partnership money.

I strongly suggest that we go back to individual Councilmembers in this Body collectively voting on the allocation as opposed to these appointed systems that we created. I think it should come back to the Legislative Body. I don't think it should be done on an equal basis. I think it should be done in some representative basis so those neighborhoods and per capita that have the most disadvantage and the greatest number of CD eligible activities and/or residents, buildings or structures, I don't know what the process should be. But, I can picture where a certain portion of the City that have less CD eligible activities and buildings and structures and people would get a lesser portion and that we would target based on the priorities. So, I would strongly suggest that we ask our Budget Office to work with Mr. Ballarsario and come up with some different ideas on formula.

But, the basic principal is I'm still opposed -- I raised it several years ago. But, I think we should just take this money back and allocate it to pay some democratic rational policy that we all collectively vote on as this Council.

**Mr. Ricciardi:**

The reason, Mr. President, I agree with that viewpoint is because deliberations will be in public. They will

be at the committee session, they'll be on cable TV, all the community groups will find out about it, the residents will know how they're tax dollars are being spent, and in all likelihood, the media will report it. What's occurring now, I have no idea. Am I correct Mr. President? The deliberations are not public, but they're private.

**The Chair:**

Also, elected Councilmembers can be held accountable. We are elected. If people don't like the way we disperse funds and it's not an effective evaluation of whatever housing commercial, then that should be an issue voters think about when they vote for their respective district Councilmember. Right now, they can't vote for a Partnership Board or an ACBO Board or anything of the sort.

It's inherently unfair the ACBO Board have conflicts of interest and people have come from various neighborhood groups. It's just not logical. I have to fight to get certain groups to my district funded.

Like the Lawrenceville Citizens Council is defunded which I don't understand. I want them to receive ACBO funding. Yet, they're giving it to other groups that don't have a track record. So, to me, it's not logically and I feel like I've advocated Council's responsibility.

**Mr. Udin:**

I just want to clarify a distinction between this particular funding to the Partnership and the broader issues that are being discussed now. I think that it's convenient that the budget period is

coming up soon and it gives us an opportunity to really look at the whole way that the funding is being structured. For most of the issues that you raised, the funding has already been passed and activated for this year. But, it really calls into question what our priorities are going to be and what the methodology is going to be for allocation of those CDBG funds in the next year's budget.

**Mr. Cusick:**

Council President, I think you made some excellent points in regards to all the funding whether it be ACBO or the Partnership. There is probably no one more than south of Pittsburgh that gets less than it's equal share of these moneys. When we're trying to rebuild such places as the Saw Mill Run and other development things that are going on in District 4 and District 3 and District 2, I think these moneys — I know myself that they can be directed in more responsible areas and make it a little easier for the people of south Pittsburgh.

I'm sure all Council is aware of how it's being spread around. East and north Pittsburgh gets quite a few big charity moneys. Because a lot of the groups are a such good groups and do such good work, but we, too, in south Pittsburgh have some wonderful groups that really want to see theirs start to grow.

We're not CD eligible, but we can receive some of these dollars and give them back into the community. Unfortunately, they are restricted because certain individuals don't seem to need as much as in other neighborhoods. I understand that, but I represent south

Pittsburgh. I don't have any say so in how those dollars get back to my constituents.

**Mr. O'Connor:**

I believe we all felt the frustrations, but we've been talking and with your leadership, we've been talking about this for a couple of years. Now, it's almost too late because it's '97 money. When -- I don't know if you want to --

**The Chair:**

My comments were more towards the '98 money. --

**Mr. O'Connor:**

Okay.

My point is, '98, when are we going to have a definite answer? I don't think we can wait until the end of '98. Whether you have the Finance Chair, yourself or someone else involved in who's going to set it up and give us an alternative, I believe that has to be done before January.

**The Chair:**

I agree.

I think the Partnership issue, the money that's on the table right now will come up very shortly. But, I'm saying between now and during the budget process, we agree on a change of the formula for the ACBO and the Partnership and other moneys that we allocate.

**Mr. O'Connor:**

Well, I think it's time to act because the attention is there now, the money is there and we're voting on it now. But, we are going to make some changes. Let's bring them in as partners and see how we're going to do a better job with it.

**The Chair:**

Thank you very much.

Are there any other comments?

If you're in favor of the recommitment, all in favor of the recommitment?

Which motion prevailed.

**The Chair:**

Bill 1878 is recommitted.

Again, because of the United Way day caring tomorrow, we will not be meeting tomorrow on Standing Committee Meeting, our meeting will be Thursday at 10:00 a.m. instead of tomorrow.

We've concluded our Committee under Motions and Resolutions.

**Mr. Ricciardi:**

Thank you, Mr. President.

I've become very concerned regarding news reports that the application for funding from the Regional Asset District, which is the one percent sales tax, for the Soldiers and Sailors Memorial Hall in Oakland has been denied because of a deadline. Let me first state that the Hall honors all veterans from Allegheny County. Men and women who have protected the interest of the country. Men

and women who many of them who can't even give supreme sacrifice and that is there lives. It honored them from the Civil War all the way up to Dessert Storm through their educational program, artifact and the likes. I think we should be very protective of that regional asset.

Let me just state that I believe some of the facts surrounding this entire are very suspect. I spoke to the Director of the Hall, his application was submitted to the Court House on July 17th. The deadline to the RAD Board is July 21st. Now, there was either a gross error, gross mismanagement or it could have been intentional.

Let's put that aside. Let's keep in mind that the RAD Board has not held on public hearing to date. The first public hearing is October 1st. So, obviously, there's been no vote. What I'm saying is I'd like to pass a resolution and during the meeting I wrote a resolution up. Obviously, we have to be fair to all groups and all organizations.

What I believe needs to occur is that the RAD Board needs to open up the process for additional time allowing the Soldiers and Sailors Memorial Hall and other groups and organizations to take part in the process before the public hearing. It's not asking for much. It's asking to have a fair shot. Keep in mind the Hall gave the application to the Commissioners and to their budget office on July 17th. So, was it intentional? I'd say it's very suspect.

The resolution reads very simply. Respectfully, that this Council respectfully but strongly urges the Regional Asset District Board of Directors to give all

groups and organizations additional time to submit applications for funding.

#### **The Chair:**

Any other points for discussion.

#### **Mr. O'Connor:**

I think Mr. Ricciardi is very appropriate because I'm concerned about all the money going to the -- because the county cut their budget and have financial problems, all of a sudden all this money is going into their parks system which they cut back on. It's a regional asset. I'm willing to share with the whole county, but I think that some fairness has to be here. I strongly support, especially with the resolution we just had from our veterans today, that we strongly support the Soldiers and Sailors. That's a jewel for the whole City.

Again, I certainly support you what you said about veterans, but there's graduations from high schools there and there's meetings there. It's one of the most historic buildings in Oakland. I think we have to continue to support it.

#### **Mr. Onorato:**

I don't want to repeat everything you just said. But, I do want to add that if you look at the Regional Asset District which is a relatively new concept in this region, I would think that Soldiers and Sailor would be your classic example of a regional asset. I can't think of a better example, if I had to point to a asset in this region, that would qualify on their definition as regional asset. Comparing it to some of the groups that do get funding



which I think would be questionable, the Soldiers and Sailors --

I would love to have somebody try to argue that that is not a regional asset. It is supported by the county, it sits in the City, the largest municipality of the county, it's in the middle of the second most densely populated area of the state, in Oakland, and as Councilman O'Connor stated, it gets used by a lot of different organizations outside of veteran groups.

If you look at where some of the money is going and who it benefits, this is probably the only group that can really show that it's saying thank you to a lot of individuals that serves the country. I think that if it takes opening up the deadline to allow them to reapply, I think it's something that should be done. Sometimes we have to step back a second and forget the idea that there was a deadline that was set and, technically, someone missed it and you have to do the right thing sometimes. I think this is the right thing.

So, I support it 100 percent. I hope they go forward with this suggestion.

**Mr. Cohen:**

Thank you, Mr. President.

I want to commend Councilman Ricciardi for bringing up this issue. Clearly, the Soldiers and Sailors Memorial is an important regional asset.

On the issue of deadline, a part of me would respond by saying that if the organizers, the heads of Soldiers and Sailors Hall were to blame, if they missed the deadline, then part of me would say

tough luck, you're going to have to apply next year. But, it appears that they are not the blame. From what Councilman Ricciardi said they actually did get their application into the Commissioners on time. So, it was not the folks over at Soldiers and Sailors that were to blame. In that case, I do think they should be given some extra time.

**The Chair:**

I'm a little bit confused because I thought that under state law the Soldiers and Sailors Board and the group that runs and manages the facility is separate and distinct despite it's interrelationship with the county government, it's its own organization. I don't understand why they wouldn't have communicated and sent that proposal on the 17th directly to the RAD Board carbon copying the Commissioners. Can you clarify that?

**Mr. Ricciardi:**

My belief Mr. President, now obviously I spoke to the director as early as this morning. He was contacted by the Commissioners two weeks before the deadline of July 21st asking that all applications should be submitted through the Commissioners Office. Now, I agree with everything you said, but if you're the director of Soldiers and Sailors Memorial Hall and you get a call from the Commissioners you might think that everyone's working as a team. So, you're probably absolutely right. That's why I said some of the facts surrounding this are highly suspect.

**The Chair:**

Also, Commissioner Dunn has been very adamant and clear about his desire to make sure the RAD Board funds the Soldiers and Sailors, rightfully so. As Councilman Onorato said, if any building or institution needs to be regionally funded, tax that from that tax, it should definitely be Soldiers and Sailors. So, I don't understand why even Commissioner Dunn hasn't forwarded the information also.

So, I think we need to do some homework. I'm all in favor of the resolution. I would put a friendly amendment in that we also reiterate that we would want the Board to consider and that we support a funding allocation to the Soldiers and Sailors. I think we should make a supportive statement about receiving some funds.

Now, I do have concerns and criticisms about the way Soldiers and Sailors is run, but it has nothing to do with whether or not they should get funding. I think they need to run it more of a business like manner. They're not generating the kind of income that they need to generate. The building is under utilized and it's not marketed properly.

They need to -- in addition to the tremendous volunteer contributions that the veterans make on the Board, they need to involve some others in the marketing and promotion and kind of the business management of the center. It's really not reaching it's full potential. I think there's any number of people, the Carnegie, the Western Pennsylvania Regional History Center, and other linkages that I think they should look at. In no way is that meant to degrade the volunteers and leadership of the veterans themselves. But, I would like

to see a lot of other things give consideration at the Soldiers and Sailors. But, they should get some funding.

**Mr. Ricciardi:**

I'll just end with this, Mr. President.

**Mr. O'Connor:**

Even if it was an honest mistake and it's late, let's give them the benefit of the doubt. I don't if many of you realize that Western Pennsylvania has the most veterans in the whole country and the Federal Government is cutting back tremendously on the expenses.

I spend a lot of time in the veterans hospitals. I have relatives there. You don't realize what we have until you see what you need. So, with the federal cutbacks, I think this would be a tremendous setback for all the vets if they aren't given their due consideration. Even if it was a honest mistake and they're a week or a month late, come on. We can always make adjustments and I believe this would send a strong message to the Board to reconsider.

**The Chair:**

My point about the RAD funding is I think if they had a little more funding, they could do some marketing, promotion and more embellish the institutions. But, it's a significant structure not only it's property, but it's building in the heart of the Oakland Historic District. It's a wonderful significant amenity that we have in this City and it's a county-wide. People come from all of western

Pennsylvania to visit the Soldiers and Sailors Hall.

**Mr. O'Connor:**

One quick note and I don't know they operation of it. I'm sure it can be better. There's so many people available, the universities are there, the hospitals. Maybe they want to expand their Board to get some more expertise to make it a better usable facility, that may be the direction we want to ask them to go.

**The Chair:**

Very good.

All in favor of the Resolution?  
Aye. Opposed?

The motion obviously carries and it's unanimous.

Thank you, Councilman Ricciardi.

Are there any other matters to be brought before the Body?

**Mr. O'Connor:**

I just want to request we have a post-agenda on the Maglev Friday morning at 10:00, if that could be televised. Again, it's an educational issue that I think not only for Council but for the general public. It is a very important issue.

**The Chair:**

All in favor?

Which motion prevailed.

**The Chair:**

Any other matter?

Again, our Standing Committee Meeting will not be tomorrow. Tomorrow will be a United Way Day of Caring. I don't know if any colleagues are doing work. I'll be out at the super playground with volunteers from Tom Flaherty, our Controller Flaherty's Office, helping. I know many of you will be in your respective districts.

With that, this Legislative Session stands adjourned.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER ....City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, September 16, 1997

#### **PRESENT:**

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### **The Chair:**

Good morning, everyone. We have a number of guests in the audience this morning. But at this time, would you all please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world. We are very pleased to have an 11th grade student here this morning, Darryl Haymon. He is at the Oliver High School. He has a 3.9 grade average, which is great. He's an honor student, and he lives in Hazelwood,

in Councilman O'Connor's District. He is going to lead us in the pledge of allegiance. Darryl.

#### **Darryl Haymon:**

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

#### **The Chair:**

Thank you. Thank you, Darryl. We appreciate you getting recruited here at the last minute to lead us in the Pledge of Allegiance, and the city clerk has presented you with flag of our nation, and flag of our city, with our thanks.

#### **PRESENTATIONS**

I do want to welcome also our City Controller, Tom Flaherty, who is in chambers this morning here to assist some of the employees at the stadium, and they will be up here shortly. Good morning to Mr. Flaherty.

At this time we have requests from Councilman Udin to do a reception of these wonderful art renderings here and I believe -- okay. Councilman Cohen or Councilman Udin?

#### **Mr. Udin:**

Is Dan here yet?

**The Chair:**

Okay, we will wait a little longer.

Councilman Hertzberg. He has some guests here who want to get back to school to study. Councilman Hertzberg.

I want to ask all of my colleagues, we have probably a little bit of a debate on the stadium issue. If we could move along with some of our guests, it would be appreciated this morning.

**Mr. Hertzberg:**

May I ask all the members of the Lyons family to come forward. It is my great privilege to present to you a resident of Council District 2, the Elliot neighborhood, who has got a lot of attention as a great young athlete for his baseball skills. Although I know he is involved in plenty of other sports too, and as was mentioned, he would like to get back to school. So we are going to go a little bit out of order here, but I have his mother here, Marva, Brother here, Devin, father, Wes, of course this is Wes Lyons, Junior. Let me read this resolution and it will be self explanatory as to his achievements.

**MR. HERTZBERG PRESENTS:**

No. 2302 WHEREAS, Wes Lyons, Jr., is the son of Wes Lyons Sr., and a member of the Elliott-West End Little League team known as the Dodgers; and

WHEREAS, the Fleer Major League Baseball Diamond Skills competition is equivalent to the National

Football League's Punt, Pass and Kick competition; and

WHEREAS, Wes, one of an original group of 383,000 boys and girls across the nation, competed in local and regional events to win a birth in the finals of the Fleer Major League Baseball Diamond Skills competition held on July 7, 1997 at Jacobs Field, Cleveland Ohio as part of the Major League Baseball All Star Game Activities; and

WHEREAS, Wes won the NATIONAL CHAMPIONSHIP of the Fleer Major League Baseball Diamond Skills competition in the 7 to 8 year old division with these statistics: Batting 155 feet, Fielding/Throwing at 2.7 seconds and Base Running at 8.33 seconds; and

WHEREAS, Wes accepted his winning trophy in front of a sold-out Jacobs Field stadium while representing the Pittsburgh Pirates in a black jersey style Pirates uniform as part of the pregame festivities preceding the 1997 Major League Baseball All Star Game on July 8, 1997.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Wes on his championship performance and wishes him continued success in all future endeavors.

THE CHAIR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

I had the privilege of looking through photographs of Wes with a lot of major league baseball players and a lot of other celebrities. I congratulate you for your achievements, Wes. I will give you the opportunity to let me present this to you and you can make a few comments if you would like. Would you like to say anything? No. Well I guess his actions on the field speak loudly for him. Any family members any words?

**Mr. Lyons:**

Thank you for having us down here today.

**Mr. O'Connor:**

I have a small baseball team, if I could trade for you?

**Mr. Hertzberg:**

No, he is under contract. We have him.

**The Chair:**

Very good and thank you all. Congratulations.

**Mr. Cohen:**

Dr. Singh and Mr. Hanson please come up. Good morning everyone. On a serious note, there is a convention in Oslo, Norway, this week. It is the Anti-Land Mine Convention. At that convention, there are well over 100 countries represented on an issue that is as important to global safety as any issue.

All of you know the destructive

capacity of land mines. What is so horrible about them is as bad as war is; these land mines exist long after the conflict is over. Long after the battle is over. In such a way that they linger and they wait for an innocent person to step on them and kill them. And there are thousands and thousands of people all over the world who have been maimed, mostly children, and by land mines and thousands and thousands of others who have been killed.

The United States is not a signatory yet to this convention. The good news this week is that the Clinton Administration is more inclined toward signing this treaty. They have put a couple of restrictions on. One of which I think is acceptable to the convention, the other probably not. But it is a very, very important issue, and one that we really need to get behind. I realize this is the Pittsburgh City Council and we don't have any direct influence over this. But it is such an important issue and we have two such good representatives here in the Pittsburgh area, that I thought it was important to deliver this proclamation, assuming that it is passes to the President of the United States and to Congress, so that we can finally rid the world of this terror of land mines.

**MR. COHEN PRESENTS:**

No. 2303 WHEREAS, there are an estimated 110 million landmines buried in sixty-four countries worldwide; and opportunity to sign this treaty in Oslo, Norway; and

WHEREAS, landmines are indiscriminant killers whose life spans extend beyond the end of armed conflict

and hostilities, and lay dormant even when peace is achieved; and

WHEREAS, landmines caused 33% of all U.S. casualties and 38% of all deaths in Vietnam and 34% of all U.S. casualties during the Gulf War, and every American military casualty in Bosnia has been from a landmine; and

WHEREAS, in response to the global landmine crisis, the United Nations has called upon the international community to help rid the world of this plague, and hundreds of non-governmental organizations have joined to form the International and U.S. Campaigns to Ban Landmines; and

WHEREAS, on May 16, 1996, President Clinton announced his support for a comprehensive ban on anti-personnel landmines and this week the United States will have the

WHEREAS, United States support is critical to a worldwide ban on landmines; and

WHEREAS, Pittsburgh has been selected as one of seven U.S. cities on a National Speaking Tour on Land Mines to be held Monday, September 22, 1997.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the United Nations Association of Pittsburgh and its President Dr. Balwant Singh for bringing the lecture *Banning Land Mines; Saving Lives* to our City and does officially recognize Monday, September 22, 1997 as Landmine Awareness Day.

THE CHAIR moved to adopt the

resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cohen:

I think this is a very important proclamation. The United States has not yet agreed to sign this treaty. We need to. It is the morally right thing to do. We have two people here today who really are wonderful representatives of this campaign. First, to my left already mentioned is Dr. Singh. Dr. Singh is the President of the Pittsburgh Chapter of the United Nations Association of the United States also known as UNAUSA. There are 143 such chapters around the country. Dr. Singh is also the former District Governor of Rotary International, which has 56 Rotary Chapters. With him is Mr. John Hanson, who is retired executive of U.S. Steel and is very much involved in this issue, and is on the Board of UNAUSA.

Dr. Singh, if you would come up here, I would like to present this proclamation to you on behalf of City Council. Congratulations. Thank you.

Dr. Singh:

I wanted to thank the Council for this opportunity to inform you about this National Speaking Tour which will be coming to Pittsburgh on September 22, and you all are invited to come and attend it. Pittsburgh was selected as one of the seven cities for the National Speaking Tour. We are bringing national experts from New York and one or two more people will be coming with them. We are dedicating this seminar in memory of

Princess Di and Dodi Fayed one of her great numero uno prodents. Councilman Dan Cohen said that thousands of people, mostly young children and women, are being killed or injured by landmines. An importance of landmines ban cannot be overemphasized. I really appreciate this opportunity and thank Council for giving September 22 as Land Mine Awareness Day.

**Mr. Cohen:**

I have one more and that is would the folks from National Hispanic Awareness Month please come up and the Pittsburgh Hispanic Chamber of Commerce.

It is going to look like everyone of our proclamations has something to do with the ball field. Good background.

Ladies and gentlemen, we have a significant Hispanic population here in Pittsburgh, and in fact it is a growing population. We did some work on this prior to this proclamation and found out that of the Hispanic population in the Pittsburgh area, is actually increasing at a time when many other populations are decreasing and it is really a great pleasure and opportunity to be able to do a proclamation on National Hispanic Awareness Heritage month, excuse me.

The person who brought this to my attention is somebody who hopefully you all know and remember and that is J. E Paisley. Who aside from being on the Chamber of Commerce, on the Hispanic Chamber of Commerce was also in my office, my City Council office, and did such a great job. That having been said I would like to read this proclamation.

**MR. COHEN PRESENTS:**

No. 2304 WHEREAS, the Pittsburgh Metropolitan Statistical Area (MSA) is home to approximately 16,000 Hispanic/Latino citizens; and

WHEREAS, the Hispanic/Latino population in the Pittsburgh MSA grew by 2.2% between the 1980 and 1990 census, despite an overall population loss in the region during the same period; and

WHEREAS, many of Pittsburgh's Hispanic/Latino citizens hold prominent positions in professional fields such as medicine, business, education, and engineering; and

WHEREAS, the Federal Government has designated September 15 through October 15 to be National Hispanic Heritage Month; and

WHEREAS; the Hispanic Chamber of Commerce in Western Pennsylvania and several federal agencies are holding events throughout September and October to celebrate Hispanic/Latino culture in Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Hispanic Chamber of Commerce in Western Pennsylvania for its role in bringing together Hispanic/Latino citizens to celebrate their rich heritage; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims September 15 through October 15, 1997 to be Hispanic Heritage Month in the City of Pittsburgh.



**THE CHAIR** moved to adopt the resolution.

**MS. MCDONALD** seconded the Motion.

Which motion prevailed.

**Mr. Cohen:**

Thank you. We have with us aside from J. E Paisley, both the Chairman of the Board and the President of the Hispanic Chambers of Commerce and we appreciate both of you coming down.

To begin with Mr. Kenneth Rodriguez who is Chairman of the board and Mr. Renee Campos who is the President of Hispanic Chamber of Commerce. And it is a pleasure to have you down here and to be able to take a moment out to celebrate your rich heritage. Please accept this proclamation and give us a few words if you would.

**Mr. Rodriguez:**

As we stand here before you in the spotlight of this proclamation, ladies and gentlemen of City Council, we must thank not only the Honorable Dan Cohen for sponsorship and to each other Ms. Paisley for her efforts and we must commend Linda, our Hispanic in chambers, but also those quite and anonymous Hispanics Latinos whose hard work has brought our culture so much success and this our new found land. Thank you.

**Mr. Campos:**

I also would like to thank Council for this announcement in regards to Hispanic Chamber of Commerce and I do want you to know that our main function

here in Western Pennsylvania is to help increase commerce for not only Hispanics but all people that live in this area. We truly appreciate it. Thank you very much.

**Ms. Paisley:**

Just an addendum you will note in the papers this morning our senator himself made a comment about Ex Senator Wells' designation to Ambassadorship to Mexico. He said, well hell, he doesn't have to go to Mexico now. I guess for the first time in my lifetime I feel accepted, and I thank the great City of Pittsburgh and Councilman Cohen and City Council for accepting and admiring the Latino Heritage and how much it has given to our country. Thank you. And we brought some little cookies from Peru.

**Mr. Udin:**

Is John Burrel and Coach Darryl Oakes, Audry Thompson -- a portion of this presentation is if you all remember the work that some neighborhood youth did some artwork that was done by Cynthia Griffin and the neighborhood peacemakers, they had art work in here a few months ago when we presented a resolution and what they are attempting to do is to intervene into gang activity and prevent gang activity by involving the youth in more productive activity. The first level of that activity was getting them involved in painting. And although a lot of skeptics did not think that youth interested in gangs could be interested in art were proven to be wrong. They have produced some beautiful artwork around the City.

It went a step further and reached out to some of the little league youth and

youth who were more interested in little league athletics, baseball teams in Perry Hill Top and the neighborhood peacemakers joined with the little league youth to create some of the art that you see up here today. The art piece on the left is being presented to Councilman Onorato and the art piece on the right is being presented to myself. And later on both Councilman Onorato and myself will dedicate these art pieces to a community organization in Perry Hill Top. So I want to be able to share with you the product of your support of the gang intervention activity that is being sponsored by neighborhood peacemakers and to thank the coach of the Leland Giants of Perry Hill Top and the supporters and the parents and most of all the youth who are trying to put their time and their talent to more productive use.

**Mr. Onorato:**

And real briefly, I think Councilman Udin covered most of it. But when you look at these two pieces of artwork over here and as Councilman Udin said the one being presented to me is on the far left. I can assure you the value is not judged by the size of the picture. But more importantly, if you look at both pictures here and these individuals who are sitting here, this, goes to show you the hidden talent that is out there in all of our neighborhoods. It is easy to forget what the youth of this City can do to produce. This is one small example of the artistic work that could come out of these young people and if we just challenged them to provide them with the proper tools. I want to thank you for sending a strong signal to everyone in the City. Thank you.

**Mr. Berwell:**

On behalf on Cynthia Griffin, the Wellness Program and administrator of High Mark Blue Cross/Blue Shield, myself John Berwell as the assistant to the program administrator and the neighborhood peacemakers, we are very pleased to present to you this painting along with a ingrate plaque which provides an over views of the neighborhood peacemakers for we know that it has been your endeavor to support a number of community projects aimed at youth activity, one such as ours. It is time that High Mark Blue Cross/Blue Shield in our efforts to address the violence issue should be invited to expand our program to now include the children from the North Side. Such an expansion truly makes this program City wide and involving 65 children throughout the City representing 23 city schools throughout the Pittsburgh Public School District. With ongoing support from City Council you can be certain that we are making every effort to provide a vehicle of change for the youth of Pittsburgh. I would like now to read what the plaque says.

The neighborhood peacemakers is a program sponsored by High Mark Blue Cross/Blue Shield and the health education center designed to prevent violence by providing young people with positive opportunities for self expression education and community service. The children were recruited from across the greater Pittsburgh area to participate in a series of educational programs. As a result of these activities they decided to pursue painting as one means of expressing the creativity and pride. Artists are guiding the talents of the participants into a series of paintings with the theme yes we dream too.

In Councilman Dan Onorato in

recognition of your supported of the neighborhood peacemakers newly organized on the North Side we are happy to present your painting also. Understanding that you will be rededicating this painting to Mom's House, a child care facility. We hope you will find this theme depicting in nature.

**The Chair:**

Thank you. Congratulations on your hard work. We appreciate it. Councilman O'Connor and Mr. Ricciardi, all Council members.

**Mr. O'Connor:**

Would members of the adult day care centers please come up? We have with us today Joanna Diforest from Vintage and Milton Nance from Stephen Foster Adult Day Care Center, in Lawrenceville. We have Josephine Dolski, George Balkovich, and Barbara Rabowski. Come up real close.

It is with great pleasure in honoring adult day care centers, I personally used you in my family we brought it up at the Kane Hospitals, Glenhazel has a new facility, and you do an outstanding job. You have 30 licenses in the greater Pittsburgh area, and I wanted to thank you on behalf of all of the my own family and many other families who appreciated your support.

**MR. COHEN AND ALL COUNCIL MEMBERS PRESENT:**

No. 2314 WHEREAS, Adult Day Care Centers provide a safe and positive environment for impaired older adults and a support system for their family

caregivers at over 3,000 Adult Day Centers nationwide; and,

WHEREAS, there are over 30 licensed Adult Day Centers in the Greater Pittsburgh area serving the needs of hundreds of Pittsburgh residents; and,

WHEREAS, Adult Day Centers offer necessary health maintenance, social programs and recreational activities in a warm and loving setting; and,

WHEREAS, Adult Day Centers provide the helping hand to family caregivers who would otherwise be forced to give care on a 24-hour basis or have their loved ones institutionalized.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend all Adult Day Center providers for their efforts and thereby extends its deep appreciation to all of those individuals, institutions and agencies which make Adult Care Programs possible; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby proclaim September 14th through September 20th, 1997 as "NATIONAL ADULT DAY SERVICES WEEK" in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Joanne, since your the Project

Coordinator, would you like to come up and tell us a little about what you are doing?

**Ms. DiForest:**

Our job at Vintage I'm sure at all the other adult day cares in Pittsburgh is to keep impaired, elderly busy, engaged, involved throughout the day so that they tend to stay longer in their homes. We really fight against having them go into nursing homes. I am sure that all of Pittsburgh's adult day care appreciate what Council has done and especially Councilman O'Connor in recognizing the work we do with the elderly. Thank you.

**Mr. Nance:**

Good morning. My name is Milton Nance and I just want to first of all thank Councilman O'Connor and Council for acknowledging adult day care. Councilman O'Connor, I am also a beneficiary of adult day care services. My mother is a direct beneficiary Joanne DiForest's services at Vintage in East Liberty. I am just glad that I was chosen to come because I wanted to take an opportunity to tell Pittsburgh about Vintage. They have one downtown and one in East Liberty. I just think it is the best thing that ever happened to my mother in a sense that she had a stroke a year ago. And I didn't know that she had the stroke. She happened to fall and I came home and because I was in a decision of, making the decision of working or taking care of my mother. It made it easy when I found a place like Vintage so they have a facility. They take care of them every hour on the hour and they have different activities that they do and anybody that has any infer 55 years old. I guarantee you

your loved one will be in great care. I just want to take this opportunity to thank the City of Pittsburgh for acknowledging these types of centers because it wasn't through it had to be through some crises for me to find out, but this being televised will maybe make people aware without having to go through a crises to learn about it. If you have a loved one, take advantage of these services. I understand there are thirty, I didn't know there were thirty throughout the city, but I can recommend Vintage personally. Thank you very much. God bless everyone.

**The Chair:**

Thank you all, and congratulations.

**Ms. Rabowski:**

The Stephen Foster Center thanks you for this proclamation.

**Mr. Cohen:**

I want to commend you all for all the work you do even though it is in Councilman McDonald's district. I go to Vintage in East Liberty fairly often. I am always struck by how active it is. Its almost like walking through into a school in terms of a lot of activity and so many things going on there. I think it is a real tribute to the people who first of all built that facility, organized it and funded it, but also who do the programming there.

I think it is a terrific job.

**The Chair:**

Thank you. Keep up the good work. Councilman Onorato on behalf of all of our colleagues.

**Mr. Onorato:**

Councilman Udin too.

**Mr. Onorato:**

Bill Flynn and everyone associated with the project will come forward. We have Ken Wilbuck, Tim Keafer and the students. While everyone is rearranging the room up here, how are you guys doing? Come on over. We also have Sandra Kempt right here who is the principal of Oliver High School. We want welcome you to the chambers. Is everyone up here? Thank you that's Kevin. I think every one here knows you. I am going to read the proclamation. Hopefully we can hear from some of the individuals. It is sort of similar to the previous proclamation, but a totally different project.

**MR. COHEN AND ALL COUNCIL MEMBERS PRESENT:**

No. 2305 WHEREAS, PHASE, a North Side community development corporation sponsored a summer youth project to beautify the 2,000 square foot site at Wilson Avenue and Burgess Street; and

WHEREAS, 18 students from Oliver and Schenley High Schools and Perry Traditional Academy envisioned flower beds filled with flowers, and life-size portraits of old Negro League heroes and then made that vision a reality; and

WHEREAS, the students hope that their garden will plant seeds of hope and pride on a corner which has seen its share of violence and will work in some small way as an incentive towards peace; and

WHEREAS, Kevin McCarten, executive director at PHASE believes that the project serves a double purpose. It makes the youth feel good about doing something constructive and worthwhile and it teaches them that building communities is everyone's job; and

WHEREAS, the youth involved in the project were initially fearful about creating something that they believed would just be torn up because of its location. The idea of featuring baseball players from the Negro Leagues- the Pittsburgh Crawfords and the Homestead Grays, a tribute to the determination and spirit of both the players and the students is hoped to deter vandalism; and

WHEREAS, the youth are excited about their accomplishment and that those traveling through the neighborhood will see something other than a garbage dump at Burgess and Wilson Streets; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates the 18 students involved in the beautification project at Burgess and Wilson Streets, Kevin McCarten, executive director of PHASE and "Ace" Pippins, assistant supervisor of this PHASE project for their hard work, determination and success in bringing their vision for this area to life.

**THE CHAIR** moved to adopt the resolution.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

I want to personally congratulate the students. If anyone gets a chance to go to Burgess and Wilton and to see these paintings, it is well worth the time and effort. These young people here did one heck of a beautification project. The artwork is just unbelievable. They took an area that people might have wanted to stay away from and made it an attraction destination point for a lot of people that are interested in seeing good talent. We have a lot of talent once again here today here in this room. At this point, I am going to ask Councilman Udin to say a few words and then I'm going to turn it over to Phil and maybe you can introduce everyone hear and talk about how the how the project went.

**Mr. Udin:**

I will just be brief and add the same sentiments I expressed relative to the youth of Perry Hill Top as well as the parents and agencies. On the one hand, we had artwork as an intervention for peace and here we have the planting of a beautiful garden and dedication of the Negro League Baseball Team Memorial. All of this contributes to not only the beautification of the community but the enrichment of the people as well. Thank you very much.

**Mr. Flynn:**

I'll represent the adults, and ask Darryl Haymon to represent the students. Maybe what I should do I think I can speak for all of the adults who worked on the project, we were interested in working on a project to contribute something of lasting value to the neighborhood. We could serve as positive role models for other youth in the area, and both of those

objectives were met. We were very happy to see the project as finished. It has been in place for over a month and has remained unmarked by vandals, and we are very happy and are gratified that that worked out that way. I would like to acknowledge Darryl Haymon. Darryl, could you speak for the group, and also could you introduce each member too please.

**Mr. Haymon:**

All of them?

**Mr. Flynn:**

Yes.

**Mr. Haymon:**

I am Darryl Haymon representing Oliver High School. I want to say in the newspapers the students were from Perry Traditional Academy. We are from Oliver High School and it consisted of only two from Perry Traditional Academy students. I would like to say thanks to Mr. Kevin McCortland and PHASE and all my supervisors for a great summer. And I was very happy to have contributed something of ever lasting value to the Perry Hill Top community. Here are all my peers that I worked with. I see them at school everyday. I think the program brought us closer together as far as unity. And I feel now in school now as us group of students work better together because of phase program this summer. Here are all of our peers: Kurtis, Arthur Ross, John Arnett, my full back, cause I am quarterback for Oliver; Willie Olds, Don Moore, Dwayne Morris, Antijuan Washington, Harrison Hatcher, Mr. Keifer, Mr. Rowbock and and Mr. Flynn, and Ms. Kempt, my

principal.

**Mr. Ricciardi:**

Mr. President, at this time I would like to welcome and invite to join us in front here Mary Estervanshura who is Representing Parks and Recreation and we also have Director of Parks and Recreation Faith Gallo Director and also our honored guests from Deloitte and Touche Consulting Group representatives if you could please join us. From Deloitte & Touche, we will have Wilbur Arnold, Bev Cololsky, Jan Banford, Sandy Francis, and Noemi Tomarkin with us today. Thank you, Wilbur. Before I read the resolution colleagues, which is self explanatory, I would just like to thank our honored guests for their work they are going to do in the Oakland area this Saturday. By coincidence and I am very pleased to announce that we have many visitors today from south Oakland, and I think you will be very pleased what these fine individuals are going to do in your neighborhood on Saturday.

**MR. RICCIARDI PRESENTS:**

No. 2306 WHEREAS, Deloitte and Touche Consulting Group (Deloitte Consulting) prides itself on being a vital member of the Pittsburgh business community; and,

WHEREAS, the Pittsburgh office of Deloitte Consulting employs approximately 280 professionals committed to keeping the Pittsburgh area a great place to live and work; and,

WHEREAS, as professionals who work primarily in the public sector, Deloitte Consulting staff view community

service as a natural extension of their commitment to the region and as a demonstration of the importance of investing in the community in which they live; and,

WHEREAS, Deloitte Consulting professionals realize the City's Parks and Recreation facilities provide an ideal place to play, learn and relax. With this in mind, Deloitte Consulting professionals, together with their family members, will be assisting Partners in Parks with the beautification of Panther Hollow Lake in Schenley Park on September 20, 1997. The project will include the construction and placement of birdhouses throughout Panther Hollow, manning rowboats to clean out the lake and stream, clearing existing flowerbeds and a variety of other tasks.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby salutes the men and women of Deloitte Consulting for their commitment to the region and the beautification of Panther Hollow Lake in Schenley Park.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh hereby declares Saturday, September 20, 1997 as "Deloitte Consulting Day" in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. RICCIARDI** seconded the motion.

Which motion prevails.

**Mr. Ricciardi:**

If I could please have Wilbur come forward and accept this resolution, we really want to thank you for all the work you are going to do this Saturday. I am sure there is a group of individuals in the audience that would like to thank you also, Wilbur. Thank you.

**Mr. Arnold:**

Thank you.

**Mr. Ricciardi:**

Thank you very much and thank you to your company.

**Mr. Arnold:**

Thank you. Right down the row here Jan, Naomi, Sandy and Bev from Diloitte & Touche Consulting. I want to thank you for this recognition on behalf of the staff and also express our appreciation to the Council and all the public service workers who make Pittsburgh a great place to work and live in. Thank you.

**Ms. Gallo:**

Thank you. As many of you know this is a very important project because in the past Panther Hollow Lake was a source of and enjoyment and recreation for many Pittsburghers. And we would like to bring it back to you to that wonderful kind of recreation place, and of course having volunteers do it helps everyone including our budget. We thank you very much.

**MR. HERTZBERG & MR. UDIN  
PRESENT:**

No. 2306 WHEREAS, Mrs. Cleo Deloris Randall Williams, daughter of the

late Mr. James and the late Mrs. Lonnie Randall, was born in Summerlee, West Virginia and;

WHEREAS, Mrs. Williams academic training commenced at the Summerlee Elementary School and continued through the Dubois High School of the Mt. Hope, West Virginia. She received an A.S. Degree in Business Data Processing at Community College and;

WHEREAS, Born into a Christian home, she was baptized at the age of seven years old and fellowshiped into the First Baptist Church of Summerlee, West Virginia under the pastorship of the late Rev. Henry Dubois and;

WHEREAS, Mrs. Cleo Williams is married to Rev. Dr. Samuel W. Williams, Jr. and is the mother of two sons and four daughters: Lowell, Sonya, Vanessa, Samuel III, Lisa and Angela. She is the grandmother of twenty beautiful vivacious and energetic grandchildren and; Somebody, "and "The Challenge of the Cross", and in June, A Miss Zion Teenage

WHEREAS, upon moving to Pittsburgh, as a member of the New Zion Baptist Church she became a member and later, President of S.W. Williams Missionary, member of the ushers and the Celestial Choir. She is also a member of the Silver Cord Interdenominational Ministers Wives and presently serves as Directress for the youth Ministry and;

WHEREAS, Mrs. Williams remains a member of the Hospitality Hostesses and in August 1990 she was chosen to be the Moderator of the New Zion Baptist Church Convention. Her participation in church activities has been



extensive and includes: In November of 1990, the Church Convention sponsored a three day fall session with the youth, women and the drama club; an appreciation service was held for Forrestine Lindsey; Black History Month, the drama club sponsored the plays "I Am Pageant.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh joins the New Zion Baptist Church family in honoring Sister Cleo D. Williams for her outstanding accomplishments and invaluable support to the community.

Also,

**MR. UDIN PRESENTS:**

No. 2308 WHEREAS, Carlow College established the Women of Spirit program in 1993 as a way to showcase the many outstanding Pittsburgh area women who have taken leadership roles in many aspects life. The women honored are pioneers in business, dedicated contributors to worthy causes; and

WHEREAS, the Fifty-two women honored to date comprise a very diverse group. Their one common trait is a life that exemplifies the Carlow mission, which has always been to foster women's intellect and inner strength so they can become self-directed, lifelong learners who render competent and compassionate service in their personal professional lives; and

WHEREAS, the phrase "Women of Spirit" was chosen as a tribute to spirit of Carlow's founding women—the Sisters of Mercy; and

WHEREAS, throughout the year, one woman is honored each month via TV and radio commercials and press releases, as well as, award's ceremony. Each fall, all of the Women of Spirit for that year are honored collectively at a formal gala; and

WHEREAS, these annual events have helped raise more than 300,000 in scholarship and technology funds for Carlow. Women of Spirit alumnus, include veteran TV anchor Patti Burns, former Mayor Sophie Masloff and Dr. Velma Scantlebury, one of two African-American female transplant surgeons in the nation and;

WHEREAS, last year, Carlow expanded the program to include Students of Spirit, who also exemplify the traits within Carlow's mission. By pairing these top Carlow students with a Women of Spirit, these students get a chance to meet and befriend exceptional role models. Last October the Women of Spirit program expanded again—we went national by honoring actress and producer Marlo Thomas; and

WHEREAS, the 1996-97 Women of Spirit honorees include: Beth Berkebile, Joan Brest Friedberg, Elizabeth Segel, Jeanne Caliguiri, Kate Ford Elliot, Lois Dabney Smith, Ph.D, Michele O'Leary, RSM, Lucile Rawson, Mary Molyneaux, Sandra McLaughlin, Kay Snyder, Dorothy Davis, Karen Wolk Feinstein; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the honorees for a job well done and we wish them even greater success in the future.

**MR. RICCIARDI** moved to adopt the

resolutions.

**MR. FERLO** seconded the motion.

Which motions prevailed.

**The Chair:**

Thank you very much. I would like the men and women of the rank and file of Local Number 508 to come forward as well as Gail Mayfield, their President, if you all would come forward please as well our City Controller Mr. Flaherty is here.

Members of council, I would like this previs this proclamation by saying I know its some what unusual and a may spark a little bit of a debate. I realize that we have some colleagues who are on various authority boards, and I realize there is an act of Labor and Negotiation going on. Its not my intent to in any way deride or demean the level of participation of many colleagues that sits on one of these boards. I am attempting here to respond to a request around a basic sense of fair play. I tried to right this resolution in such a way that we would not necessarily have Council impose ourselves in act of negotiations, but rather express a good faith concern around what should be good faith negotiations on a basic principle and that is fairness.

The current negotiations, we can all come up here, you can double up, and get a few over here on this side too. I will read the following proclamation, but I will say that the main premise of the proclamation is one of fairness. Asking in recognition that the negotiating team for this Local, Local 508, Service Employees International Union, the Pittsburgh Baseball Employees union is asking for

nothing more than a continuation of their existing three year contract. But first and foremost as part of that to protect and maintain a hard fought gain and that has to do fundamentally with their seniority rights. I don't know how anybody can argue with that in terms of a sense of fairness.

I would like--if you can loop around here, we can get everybody in. I would like to read the following proclamation and I want to thank Councilman Ricciardi and Councilman O'Connor for their help in responding to the plea here this morning in helping me draft this proclamation.

**MR. FERLO PRESENTS:**

No. 2309 WHEREAS, a large percentage of the employees working at Three Rivers Stadium are proud and long time members of the Pittsburgh Baseball Employees Union, Local No. 508, Service Employees International Union, AFL-CIO;

WHEREAS, the over 400 union members represent hard working and skilled porters, ushers, sellers, takers, maids and janitors, with many having more than 20 years of service;

WHEREAS, for more than a year, the union leadership has been bargaining in good faith attempting to secure a new three year contract for their members and have asked for nothing more than to hold the line on existing wage, work and seniority benefits;

WHEREAS, the Spectacor Management Group (SMG), Stadium Authority representatives and Mr. Kevin McClatchy of the Pittsburgh Pirates, have engaged in bad faith negotiations by

launching a campaign to defeat the seniority rights of the union members thereby launching a full scale attack on the union itself and have spent hundreds of thousands of dollars in legal fees to defeat a union that has requested no wage and benefit increases;

WHEREAS, the union leadership and its members have on numerous times in the past come to the aid of the Pirate organization and have done more than their fair share to keep major league baseball in Pittsburgh;

WHEREAS City Controller Tom Flaherty has appeared in Council Chambers today to voice his support and concern for the Baseball Employees Union and is requesting that Spectacor Management Group and Stadium officials stop their attempt to wipe away the seniority rights of these employees;

WHEREAS, The Pittsburgh Regional Renaissance Partnership, Kevin McClatchy of the Pittsburgh Pirates, and others, are asking working people to support an increase in the sales tax so that even more money can be directed to the coffers of major league sports while at the same time attacking the part time and seasonal worker who works for low wages and has helped make visiting the Ballpark a pleasurable experience for countless fans;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby demands that the Spectacor Management Group (SMG) and stadium officials accept a continuation of the existing contract and cease its attempt to strip the Stadium employees of their seniority rights and benefits.

BE IT FURTHER RESOLVED that Council requests Mayor Tom Murphy to intervene and help bring a satisfactory resolution to this conflict that is fair to the employees of Local 508 and protects their seniority rights.

MR. FERLO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Mr. Onorato:

Discussion.

The Chair:

If Councilman Onorato would permit me first, Mr. Flaherty, if you would like to say a few words, if that is all right with, you, then I will.

Mr. Onorato:

No one has called me yet. Might as well do that. I will wait.

The Chair:

Mr. Flaherty, you would like to say a few words, then I will go to Councilman Onorato.

Mr. Flaherty:

Well, Jim, I am certainly honored to appear here as always in Council and I want to take my hat off and extend my thanks to Councilman Onorato for allowing me to speak. I will be extremely brief. I think Jimmy's proclamation said it all. I think its extremely important to keep in mind that SEIU the Local 508 which

represents the ushers, the porters, janitors and various other stadium personnel has been extremely patient. They have been negotiating on this issue since early in the year for the last six years going through two, three year contract. They have not asked for a cent. All they are asking for is something that is sanctum to any working force in a union that is your seniority rights. You strip seniority rights you break the union. I am beseeching City Council to be proactive here today.

It is my understanding there is going to be a meeting at one o'clock and this issue is going to be on the table the way I understand it. There is a real possibility; other wise there will be a strike. I think that would be calamitous especially when the Pirates are coming down the stretch. We have a big Steeler game a week from this Sunday. And in the environment where we are trying to get support to keep our stadiums here, I find it ironic that the Pirates use a pro-union advertising stance, let's go to work. With the hard hats, well this is the working people of this city. I am all for public subsidies and I am all for helping the Pirates and the Steelers and stadium authorities, but there has to be reciprocity and I would hope this Council would stand here today and stands with working people also. They can't take everything and then think they are going to hurt the little man and woman.

A couple of months ago it was my understanding that there was a proposal to privatize the maids, the janitors, the porters; overwhelmingly African American membership. This group, that being part of their Union, stood strong had solidarity and now its my understanding that that is off the table. This is a good group. They were endorsed unanimously

last Thursday by the Labor Council of Allegheny County headed up by Paul Stackhouse. It was unanimous in support. I think it is clear-cut and I thank you for your indulgence.

**Mr. Onorato:**

I agree 100% with what Controller Flaherty just said, but I do have to tell you I am extremely disappointed the way this came about today. I don't know who is responsible for it, but I can't tell you how disappointed I am. There isn't anyone that can say they are more pro-union, maybe equally, and my votes will prove it down here in Council. I am strong Union individual. I come from a Union family and there is no one that is for seniority rights more than me on this body.

But what I don't like is that when I walked in my office today, and I see this five minutes before a Council Hearing and I know nothing about it. And Controller Flaherty is absolutely right. Those 50 employees that were supposed to be moved over to Central Property, some one called on and informed me. I along with Bob Uanko, the head of Teamsters 636, who sits on the Stadium authority with me, we expressed our concern at private meetings and told them that we did not like those type of ideas. There is a big concern there and that was pulled off the table.

It wasn't done with a proclamation and me grandstanding down here and I want to thank particularly Valerie McDonald who I know was lobbied. There were a large proportion of African American employees that are covered by those 50 employees that are being transferred. She didn't present a

proclamation. We did it the right way and that was withdrawn from negotiations and that was not even part of the proposal any more. That was taken away.

I resent the fact that I read this thing here as everyone us knows here with negotiations with unions that go on here with the Mayor's office, we are not privy to every little discussion. We get bits and pieces and we hear bits and pieces. Some are true, some are not true. I read all this here. I don't know if some of it is true or all of it is true. I know some of it is. But I talked with the other side and they tell me other things. But Mr. McFay came into my office about two, three months ago and told me his concerns. I hear them, and I would like to be kept abreast of what is going on. But I haven't had any more conversations since then.

I talked with Billy Gross a few weeks ago and he was really concerned with what was going on. We sat down and went over some of the issues and one of the issues at the time was were the 50 employees. I always bounce things off of Bobby Uanko who I believe is a very strong Union individual to see how we should approach certain things. He has been through negotiations obviously many times representing Local 636 of the teamsters. I called him today before the meeting and unfortunately he is out of town on a convention. I can't really speak for him. But I know he knows nothing about this proclamation because he would have called me. He always deals very closely with me. I deal closely with Chief Jeep DePasquale. He calls me all the time on all kind of different issues. I don't think he would have handled it this way, totally ignored me and not let me know this was going on.

The way I would like to proceed and I don't know if I have the support here, because I support all of you standing there right now. But I can't vote yes today. I'm not going to vote no either. But I would like to do is at least have this held for a week so I can at least see what is going on and have the courtesy to do that to help you. I can't in goods conscience just vote yes here out of pressure to vote yes. I would like to know what is going on to see if we can resolve this issue and at least have the courtesy of knowing that the your going to walk out tomorrow or whenever it is what is said in here. If it is true or not, the seniority issue is very important.

I understand there is discussion about some type of super seniority list of 107 employees and then discussion of moving within sections, I guess, of the stadium. I don't know all the specifics, I will admit that. But I know there are issues out there. But I can tell you the way this was developed was wrong, I think that Controller Flaherty should have talked with me. I think Councilman Ferlo should have talked with me. I should have at least been part of drafting of any resolution that was coming in front of here. For God sake I sit on the Authority Board and I could be your strongest allied for me to have to walk into an office and read this, I feel slighted. I feel it was a back door move, someone saying they don't trust me for some reason. And I resent that, not you, but obviously the proclamation is here in front of me right now and I didn't know anything about it. I thing that is very unkind. I would ask my colleagues and with your support that we at least get a week hold on this so we can maybe do something united. But if we don't and it goes forward, the vote, I will at least have

abstained today. I am telling you why I am abstaining. I hope you understand it.

The way I operate, I don't get intimidated into anything you have a strong supporter here. I think you were put into a very uncomfortable position because you are losing a yes vote right now on this particular proclamation because of the way I was treated on it. And I don't know anything about this right now the way it was presented. I wish you would have come to me somebody even as of yesterday and say hey, we want to do this tomorrow I would have appreciated a phone call. I checked my office staff today. I went through all phone logs. I looked at any meetings, no record of anyone calling my office to let me know this was coming. I think that is very unfortunate. I am sorry it is here. I would hope that we would at least hold this for a week. But if not, I will be abstaining on the vote.

**The Chair:**

Thank you, Councilman. I won't respond to the personal intonation of your comments. I will say that basically the proclamation expresses a proactive position of the majority of the colleagues, hopefully majority, that we would like to see the negotiations include with a successful signing of a contract for employees and union members that we feel have basically put forward a fair and reasonable request and that is a continuation of their existing contract with full protections of their seniority rights. I did not involve myself in the forwarding of this proclamation with various intricacies of the negotiation process. Maybe the unions asked for something, maybe the management asked for something, there is

a basic philosophy being expressed here.

Obviously the timing is of the essence. We have only a few more pirate games. We have a major football game coming up. I don't want to talk all the tactics and strategy that this union has decided to employee but obviously the timing is correct, and appropriate, in terms of meeting the needs and hoping to succeed on behalf of these rank and file members. So, I just would ask for consideration of this proclamation today and I would like to obviously respond at length to the comments, but I will defer because I don't think it is productive debate at this time. Regarding the heart of the resolution.

**Mr. Cusick:**

Thank you, Mr. President. I am prepared to vote in the affirmative today on this resolution. It seems to me that as we negotiate or the City and others negotiate contracts, this isn't something that is very petty, something you all deserve, something you've earned over the last — a lot of you thirty, forty, fifty years. I — our Former Council member Jeep DePasquale is probably one of your oldest members.

**Mr. Onorato:**

He wouldn't have done this to me.

**The Chair:**

Let's try to get away from the subjective nature of this discussion and try to talk about what the issue is.

**Mr. Onorato:**

I can't. This it is very personal.

**Mr. Cusick:**

I don't know, but it seems to me that these people have been waiting for a year to find out whether or not they are going to lose their seniority. I think its time we stop that. It comes — the stadium come to some resolution here and I totally support that the Pittsburgh Pirates, Spectacor Management Group should give these people something that they have earned. And I am prepared to vote today on this, Mr. President.

**The Chair:**

Any other discussion or comments at this point.

**Mr. Ricciardi:**

Obviously there are two issues now before us. One is the dynamics of the resolution and how it came about before us and the other certain amount of respect that Council members have always shown to board members, and in this case and Mr. Onorato sits on the Stadium Board. For example when it comes to the U R A Board, I try not to make any quick decisions without calling Mr. Hertzberg. However, putting that aside now because there is a 1:00 p.m. meeting that Mr. Flaherty has mentioned.

I'm in full support of the resolution for a number of reasons. First of all, I wanted to commend the Union for holding firm against privatizing certain portions of your work. Because there is no doubt about it, in my mind that privatization would have led to sub-living wage being paid to those individuals taking the jobs besides the members losing that. And

seniority as Mr. Flaherty has eloquently stated is really a part of a union and not only keeping the Union intact, but part of a respect showing men and women who have really given a lot of their lives during their early part of their careers and early part of their work. Seniority is the way to go. We have always supported that. And also some one mentioned it and I am very strong on this issue especially if you get a chance to read the living wage portion of my bill. But one cannot come to the City coffers and ask for tax assistance, tax breaks and grants and loans and all other forms of assistance and go to the taxpayers and ask them to kick in and then and then all of a sudden their own working men and woman not show the respect or not show in some way the support that they can give throughout negotiations and that is a pity and that is a shame. I think it is important that we move because as stated the 1 p.m. meeting is very important. Because as we have always — In resolution the last two paragraphs are the most important. The last two paragraphs are what we are saying here, are very important. We are calling on the mayor because of his type of status and to come forward and be really become very involved. What is also important the on a local level but if we really look at the bigger picture here.

We have a Steeler game coming we are going down the stretch on the Pirates. We have to make sure on the national level that we are not showing that we are a difficult town here to do work in, that management and labor can work together. That is why we have to do everything we can to avoid the strike. But if seniority is at the heart of the issue, I am standing with you shoulder to shoulder because that is so important and I support that in all levels of work and thank you.

On the other issue, and I am not trying to in any way to muddy this water but I see what Mr. Onorato's not objection, but his concern is. Because a member of the stadium authority that obviously he should have been kept abreast on all of this and I would hope as a member of the PWSA, I would always keep abreast from all issues that come forward. But I am in full support of this and I really want to thank everyone for coming down.

**Mr. Udin:**

I want to first of all express my support for the Local 508, and the struggle that you have over at Three Rivers Stadium. I know that every aspect of your struggle not just the seniority but other aspects of it as well are very important and I think the Local has been very patient and very loyal in a way to Pittsburgh and the Pirates. You could have walked out before now and have been attempting to negotiate in good faith and prevent walking out, and so I just want to express my strong support.

Also however I want to express some sympathy with the frustration of Councilman Onorato who sits on the Stadium Board and who like myself if issues concerning the Housing Authority were to be brought before Council would expect some members to come forward and include me in the discussion and give me an opportunity to participate in it so it is a very difficult and frustrating situation.

I would be prepared to vote yes on this today. Or if it was to be held a week I would be prepared to vote yes if it is held a week from today. I don't think that we need to be unnecessarily split, when we

are really all united in support of your interests.

**Mr. Hertzberg:**

Thank you, Mr. President. Ordinarily I don't like to vote on something that is obviously a dispute. There is obviously two sides to this dispute, but I have actually had some discussions with management on this topic, and I don't understand where they are coming from. I also am a little bit hesitant given the fact that Councilman Onorato apparently was taken a little bit by surprise. I feel bad for that protocol, but the none the less, given that the time frame here any everything, I am prepared to vote in the affirmative today. I think it is the right thing to do.

I think it is a particularly bad time when we have all the different issues going on and professional sports including the disparity between what these individuals earn, versus what the people down on the ball fields earn. As a regular fan of the Pirates and Steeler games, I appreciate the work they do and they do a fine job.

**Ms. McDonald:**

Yes. I likewise will support this because again you guys do a wonderful job. It is a shame as Mr. Hertzberg says, such a disparity, an extreme disparity, between hundreds of thousands to millions of dollars versus just somewhat of a working wage to get through the City of Pittsburgh every day and support your families. I am very pro-families, pro-people, the average person and you all represent Pittsburgh. Jimmy, Jimmy was a bad boy, he put that little point 5 percent sales tax phrase in there, but that's alright.



That is all right, Jim. I am going to support the resolution because I'm very iffy about that whole sales tax thing to begin with.

Again, I think that I am just tired of such a rift between the rich and the people who are just scuffling to make a wage. I think it needs to be closed. I am very intolerant of that type of rift between the two bodies. So again, you all do have my support. This resolution is an opinion. It is not, there is nothing that forces management, but at the same time it let's them know that you all have our support. It is affirmation of an opinion that we think they need to settle this and do the right thing for regular folks in the City of Pittsburgh.

**Mr. O'Connor:**

Probably what shocks me the most is the idea that they are trying pass a half percent sales tax and you would think you would be bending over backwards to work with all of you for that support for all our future no matter what side you are on. I think it is very important and I have been a season ticket holder for twenty-five years for the Steelers and I go to a lot of Pirate games. I think you do an outstanding job. The ushers and you come in contact with the people on a day to day basis with ticket takers, all the service— it is a service business down there. I believe—I think it is great that you have your seniority and one of the other assets of going in the game especially if you sit at the same spot, you know the usher, you feel like a family. It is part of the experience of going to a game. I am disappointed it has not been resolved yet.

I apologize or I'm sorry that Mr.

Onorato was not hadn't seen it. I didn't see it either till this morning. Let's say it is an honest mistake. I hope, but let's move on. But the clear message is think we are asking the mayor to intervene. Especially while the Pirates are having such an exciting season and its a new season for the Steelers. It should be a very positive time in Pittsburgh. I would hope we can get this past us so it doesn't hold a cloud over all the bright things that face us. We need all your support, and you have ours.

**Mr. Onorato:**

Once again, I think it is a shame some of the comments I am hearing here today from my colleagues. It think it is miss information. The ironic thing here for all of you standing here today is the only one of the nine of us that has an opportunity to be briefed once a month or once every two months and to bring something back behind the closed doors to discuss with this group, is me. I am the one who hears it. I'm the one, Val, I say you aren't here, and I congratulated you on the 50 employees along with Bobby Uanko and some other individuals that can scream behind there. If we don't like something we think it is wrong.

I am the one that understands what it is to come from a union family and understands what a union wage can do, to allow you to go to school and see what seniority means in moving up and not being bumped off just because someone doesn't like you and want to pay a lower wage. I understand all of that. I lived that dream. And yet I am the one being ignored here. My abstaining today isn't just because of protocol that I wasn't called. That is not the only reason. What is wrong here is that you have to somehow

wave a flag of this proclamation to show your support to the union. I don't have to do that. I have done that for 6 years here with everyone of my votes. Anyone can check my record if you want. I was just asking for some courtesy to work with me work with you, you have a very pro-union person here. I can tell you right now, I bet you all the money I have my abstention here today will come back to haunt me one day. Because some day I will be running for office maybe against one of these individuals here, and you know what they are going to hold up this abstention vote and say look you don't support Unions. I know it is not true, and I'm not going to be black mailed into that. I think I deserved that call, I think I can really help you, you know what I am still going to help you, you know that I will. But I am not supporting it because I think it is wrong. I think it is wrong, and I think the way you did it was wrong. I think I deserve a little bit more respect than that because just so you know, because you know you are not in the inner workings down here. This has never happened before, that a colleague went around another colleague on an authority they sit for a proclamation without that person knowing about it.

I cannot remember a labor issue going around the member of the Auditorium Authority Board, Housing Authority, URA, Water and Sewer. That has never happened this way before. You should know that. This is highly unusual. I think it is unfortunate for you here. It would be different if you had somebody that was blocking you here. I would think that Bobby Uanko would be in your corner. I would think that Billy Gross would be in your corner. These are individuals I talked to all the time. They call me. They let me know what they

think is going on. Mr. McFay, I wish we would have had a more conversations unfortunately, we didn't and I will be abstaining today. Because I think it is inappropriate and I think my colleagues were the ones that drafted this were totally wrong in the way they did it.

#### **The Chair:**

I'm not wrong about anything, but I will defer my responding to any personal comments which you carried on for the last ten minutes.

#### **Mr. Onorato:**

Very personal, Mr. Ferlo.

#### **The Chair:**

Any other comments or discussion?

Role call vote, if you are in favor of the resolution, vote I, if opposed, vote no, abstentions.

The ayes and noes were taken agreeably to law, and were:

#### **AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Ricciardi	Mr. Ferlo
Mr. Udin	(Pres't)

**AYES    Eight    NOES    None**

**(MR. ONORATO ABSTAINED)**

#### **The Chair:**

Thank you. The resolution is approved and at this time I would like to

ask the Union President Gil McFay to come forward and say a few words.

**Mr. McFay:**

Thank you. First of all I would like to thank City Council for allowing me to appear here. And a special thanks to Jim, Tom, and Valerie who have helped us immensely on the situation of privatizing. And I want to apologize to Mr. Onorato. I'm not a politician. Maybe I don't know the exact way to go, but I did call on you once. Correct?

**Mr. Onorato:**

Yes.

**Mr. McFay:**

So, I did that part. And if I didn't follow up or anything like that, I apologize.

**Mr. Onorato:**

I think you should thank Bobby and me too for 50 employees and the privatization issue. A lot happened that you didn't know about that we really fought over.

**Mr. McFay:**

See, the only reason why I pointed out Valerie is we got a letter from her stating that she was for us, backing us all the way. Bob of course I have known him for, I've eaten his chicken a lot. I have known him a long time. I'm sorry about that too, but again, I am not a politician. I am just an ex-worker, you mentioned Jeep, he is a very good friend of mine.

**Mr. Onorato:**

And mine.

**Mr. McFay:**

He was a politician and he knew the exact road to take. I don't. If somebody was -- Mr. Ricciardi, I have known him for quite awhile before he was council and he is a head of my District as a matter of fact, I did not go to him. Maybe that was wrong too. I apologize if I offended anybody. I didn't do it intentionally. I am politically stupid.

**Mr. Onorato:**

My colleagues knew better. It was not your fault.

**Mr. McFay:**

Okay. Well, let me go on.

**Mr. Ricciardi:**

You are a very good guy. And you represent; your men and women very well.

**Mr. Onorato:**

We thank you for that.

**Mr. Ricciardi:**

Just continue with your speech, and just don't worry about all the bathroom things.

**Mr. McFay:**

But, I have used a lot of restraint before the Steeler game. If you recall, there was a change over from baseball to football, then football to baseball. The last

change was when Cleveland came in, there was a Sunday game and Cleveland Indians came in on Monday. That would have been the time for us to take action, and I let it pass by. Okay, I did it for a lot of reasons. City derives some money out of these ball games, correct? I would have hurt the city. I would have hurt the city, hurt the Pirates, and especially I did not want to hurt the Steelers. The Steelers in these negotiations have been very, very friendly, but then again the Pirates have the most games over there, so I don't know if that means that they have the most to lose or whatever. But in taking away our seniority, I might as well just right 508 and put it on a platter and handed it to them because we would be finished.

Mr. Onorato said about waiting a week or two, I have waited too long. Sunday was a pass out day. I used restrain again. Jimmy Sacko who runs the stadium was not in the house, I told all of our people to stay in there own areas and not to move, and I went and got in touch with Jimmy Sacko and I had to get in touch with him through his car phone, and I patiently waited for him to come in before we sat down and talked. That's two times I used restrain. Now we are running out of times and opportunities and there will not be a third time. It is kind of foolish. If we wait until next year, Mr. Onorato, they've already advertised in the newspaper for people to come for usher applications and such.

**Mr. Onorato:**

I think you missed my point. I am in your corner. My holding was to at least see what this says. I didn't see it until two minutes ago.

**Mr. Onorato:**

He is talking to me, Mr. Ferlo. We can talk.

**Mr. McFay:**

I know. What I am trying to say is to point out to all Council members, how is that?

I will not wait until next year when they have in the newspaper advertising for new employees, and I was told by Jimmy Sacko there is a stack like that. Next year those people he hired will be trained and everything else you can think of and they would be in the ballpark opening day and we would be out. I'm not waiting. If we are going to do anything, we must do it now.

I have very little more to say, I think some of my officers here may want to make a pointed or two that I may have forgotten. I just want to bring up the fact that our contract was over on February 28 of this year. I called them on the 6th of January because that was the first Monday in January. The holiday was on a Wednesday if you recall, and I said I am ready to negotiate, and they said they had to get their team together. It took them until February 27, one day before our contract was up to start negotiations and we have been negotiating ever since. I can show you if any of you especially guys in the union thing this is the contract; I will hold it upside down so you can view it better. All this green stuff is what they want to change. Radical change, look at that, in a contract. We have been able to hold the lines so far until now, and of course with seniority they want our seniority, they want and our Union.

Anyone who wants to take this much out of a contract, they want you badly.

Let me say this, we are not the only contract that was up this year. The ground crew was up also, the teamsters, and also the venders. They did the ground crew without an attorney. They got Dan Shuparoe for us. They changed their attorney. That costs money. I don't know where they are getting the money. In a way I do know where they are getting the money. This City is paying the attorney. And if that is not true, please look it up. That means my taxes are going to go pay the attorney that is trying to throw me out of ball park. I better not say any more. If anyone else wants to come up here and talk, they are welcome to do it.

**Mr. Shooley:**

My name is Bob Shooley. I am a Trustee for ticket sellers at Three Rivers Stadium, and I work Forge Field. I live in the 32 Ward of City of Pittsburgh. You know when you talk about unions you think of big union officials, big cars etceteras. We don't have building; we don't own a building. We don't have an office. We don't have a phone. We are Pittsburgh working stiffs. If we owe an apology, our apology will be to the fans if we have anything, anyway, have any convenience, the word is strike, the word is strike. It is a sad word, but if in fact we have to, we will. You folks voted today, we thank you. And we hope this afternoon we have much luck with the Spectacor Management Group. Thank you.

**Mr. O'Toole:**

My name is Joe O'Toole. And I'm Secretary Treasurer of 508. I just wanted

to first ask Councilman Onorato I don't know the protocol, but could you possibly change your vote, and back the working people that's part of the resolution.

**Mr. Onorato:**

Absolutely, I back the working people and I will tell you this. Mr. McFay, I do respect you. If you put a picket sign up out there, I won't go to a meeting and I won't go there for a game. I respect picket lines, and you are absolutely right I want you to know that. If they force you to that, you have my full support and I won't cross that building for a meeting or anything. Just so you know that. You don't need my vote on this to back you. I can tell you right now, please go to your rank and file and other Union brethren and tell them to sit with me over there I am over here swinging for you all the time.

This -- when I was talking about apologies, don't apologize.

It was an issue with my colleagues. It was an internal thing here. I will be supporting this in seven days if I had a few days to at least look at it and see what was going on and try to work something out if we can get there or maybe make an amendment to it. I only had it for two seconds and I don't know who put these things in here or what is in here. You do you have my full support.

**Mr. O'Toole:**

Thank you for your support. I just want to finish up by saying that strike is the last thing we wanted to do.

It was the last thing we wanted to do. It is still has thing way want to do but

sometimes you have to hit someone over the head with a hammer just to get their attention. Thank you.

**Mr. Caruso:**

My name is Pat Caruso. I am Vice President of 508. I would like thank City Council and Mr. Onorato, I know your background. I believe in you.

**Mr. Onorato:**

Thank you.

**Mr. Caruso:**

But what happened to us when we started negotiations, they gave us the biggest law office outfit to break us. You think the Stadium Authority is there to protect the City and its money, and when you have the Director of the Stadium Authority sitting on their side of the table and going like this to you saying, and when they gave us our proposals, we almost fell through the 35<sup>th</sup> floor of the Oxford Building, put a new elevator shaft in there. He says you have to give them everything they want. The Mayor wants this. The Mayor wants this. So your looking at us, they are supposed to be the buffer and say keep us at the table, keep them at the table, but the way we got it the stadium authority was working against us. And that's why we didn't over look you.

Gill and them came to talk to you. I was at that meeting. I was never dreamed about asking you but just for the record about Spectacor Management Corporation, they are out of Philadelphia. What have they taken out of here the last 15, 16 years? Nothing but money. Every other major city that they went into, and I know

this for a fact that Los Angeles when Al Davis wanted to move the Raiders out of LA he -- Spectacor Management Group put up a hundred million dollars for a new luxury boxes so that the raiders could stay there. Well, they got what they deserved. They got an earthquake. I'm sorry those people died. But they end up moving the coliseum; you can't play there anymore.

So why didn't Spectacor when we had the bond issue to refurbish Three River Stadium, why didn't they in their right mind say let's give the City thirty, forty, million dollars and get a long-term contract and try to work. No, they are all a bunch of hogs. As we call them in South Oakland they are hogs. And this is-- I tell you what, my wife is a nurse and she sees what is going on and she is against strikes. When she says to me when the Steelers are playing August 31 what are you going to work for? I have a daughter that is an usher, why do we have to take this crap, and then I have 442 ushers, maids, porters, and janitors and they are telling us we don't have it. We are buckling down. We are not buckling down. We didn't want to embarrass the City. We didn't want to take money out of the ground crews mouth because that was our biggest payday. Three turnovers in one week.

We need their support. But guess what, we are probably not going to get their support. If it was up to me, I would go down there right now with picket signs and start walking. Thank you very much.

**Mr. Argentine:**

I am not going to take up much time. I'm Peter Argentine, Recording Secretary of Local 508. I have been an officer since day one. Mr. Onorato, if we hurt your

feelings, believe me we are sorry. Maybe we used the wrong approach. Again, we want to be meek and humble. We are not strikers. We are not troublemakers. All I want to bring out is one issue. The same issue that occurs today that occurred, I venture to say in the year 1984, 1985, they wanted the sign up system and do away with our seniority and they were going to take everything over. Brad Stone at that time was President of Council and Dick Caliguiri, may his soul rest in peace, was the Mayor. We were on a picket line and we had a pay phone there, and the pay phone rings, Brad Stone was on the phone and at that time Nick Diolius, the Magistrate was the President wanted to know what is going on. Well, we thought you knew what was going on. Everyone else knew what was going on, why doesn't City Council, and the mayor know what is going on.

So this year we took the approach, let Council know what is going on. We need all the help we can get. Cause they are looking down on us. Who are you? What good are you? What strength do you have?

Now to get to the point, we presented the case to Dick Caliguiri, and Brad Stone and we talked to them to them man to man, we told them the issue is this, you come down and sign up and you go to work by the way you signed up. If you don't go down and sign up and you go to the ball park, your not going to be put to work. To make a long story short, a phone call went to Spectacor Management who was hired by the City of Pittsburgh they were told get that issue off the table and we told Brad Stone and Dick Caliguiri, Mayor Caliguiri, if that's off the table, believe me we will go to work tonight or we will go to work tomorrow, and that is

the way it was.

And when history repeats itself and here it is today. So we need your help. They won't listen to us. They have the attitude with us a female attorney that work with Dan Shapero, you do as I tell you and they don't even want to read our proposals, they don't even want to look at them, so now you see what we are up against. We need all the help we can get. We mostly need your help with the mayor that hired Spectacor and tell Spectacor come on whom is negotiating this contract? Is Spectacor negotiating this contract? The Pirates never stepped into it before. From 1985 to the present day Spectacor negotiated the contract. Why are the Pirates pushing everybody aside and taking over? I'm sick and tired of what McClatchey wants, McClatchey wants this, McClatchey wants that, McClatchey wants this. Well McClatchey is not going to get 508, and with your help God bless you, he is not going to get 508.

**The Chair:**

We are — we have a trustee here, we will let him have the final word.

Excuse me, colleagues, just be a little more patience, this gentleman would just like to say a few words.

**Mr. Norris:**

My name is Eugene Norris. And I represent the maids, porters, and janitors. I just want to say, I thank all of you for supporting us again. Thank you again so much.

**The Chair:**

I do want to thank our City Controller Tom Flaherty for coming up here today and expressing his support.

We will take a two minute recess.

Where as a recess was taken.

**The Chair:**

Thank you. I believe we still have a couple of read and adoptives. I would ask that the City Clerk to enter into the records several other proclamations and possibly have an additional one as well.

**MS. MCDONALD PRESENTS:**

No. 2311 WHEREAS, on Saturday, September 13, 1997, the Thunderherd Drum and Bugle Corps of Sahara Temple No.2 and the Isiserettes of Sahara Court No. 9 will celebrate their first reunion in over 23 years at the Sahara Temple, Braddock, PA; and

WHEREAS, in 1972 the Illustrious Commandress, Daughter Tillie Larkins, now deceased, sent 12 young girls to march in the Shriners Convention Parade to perform in Washington, D.C. under the Directress of Isiserettes, Daughter Alice Jones; and

WHEREAS, in 1974, under the leadership of Past Imperial Potentate, Marshall Johnson and the Illustrious Potentate, Lee Johnson, the Thunderherd Drum and Bugle Corps of Sahara Temple No.2 and the Isiserettes of Sahara Court No. 9, was formed for youth throughout Allegheny County, 4 to 21 years of age; and

WHEREAS, Mr. Curtis W. Price was appointed Youth Director in 1974 and Mr. Craig B. Edwards in 1975 to oversee the Thunderherd Drum and Bugle Corps and the Isiserettes. Under their leadership the two groups were the recipients of nine Imperial Shrine Championships. Individual state level championships too numerous to mention, and an international championship in Canada; and

WHEREAS, the Thunderherd Drum and Bugle Corp and the Isiserettes competed against groups such as the American Legion, the Elks, the Veterans of Foreign War and the Shriners just to name a few. The youth had an opportunity to travel the country, from as far away as California and Canada; and

WHEREAS, many individuals were instrumental in the success of the Thunderherd Drum and Bugle Corps of Sahara Temple No. 2 and the Isiserettes of Sahara Court No. 9. Money was raised through the Parents Club and its President, Daughter Ida M. Holt for uniforms and travel expenses. The Youth Board of Directors and the youth themselves assisted in raising monies to fund these initiatives.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends Sahara Temple No. 2 and Sahara Court No. 9, Daughters of Isis, in forming the Thunderherd Drum and Bugle Corp and the Isiserettes to service the youth of the City of Pittsburgh and Allegheny County and providing them with the nurturing, discipline and academic expectations for a successful future for over 25 years.



**MR. FERLO** moved to adopt the resolution.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**MR. O'CONNOR PRESENTS:**

WHEREAS, in September of 1917, thirty-five families gathered for prayer in a small room on the second floor of 5802 Forbes Avenue in Pittsburgh, Pennsylvania, marking the beginning of a new congregation to serve the needs of a growing Jewish community in Squirrel Hill; and,

WHEREAS, In July, 1919, the congregation adopted the name "Beth Shalom" meaning the "House of Peace" and, on March 18, 1922, ground was broken for a new building at the corner of Shady and Beacon Avenue, where the founders and those who have followed established a strong and vibrant center of study, prayer, and cultural activities within the Jewish community; and,

WHEREAS, the Beth Shalom Congregation grew in spirit and in number, with significant expansions and renovations occurring over the years to better serve the Jewish Community by providing a place of worship, libraries for children and adults, an education center, nursery school, youth lounge, gift shop, kosher kitchen and, a magnificent ballroom; and,

WHEREAS, On October 8, 1996, a terrible fire heavily damaged the building, yet, thankfully, no one was injured. While the fire was tragic the aftermath was inspirational, with help and assistance

provided to the Beth Shalom congregation from the entire community of the City of Pittsburgh, allowing the congregation continue to meet the needs of its people while it rebuilds for an even brighter future.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend its congratulations and best wishes to the congregation of Beth Shalom on the occasion of its 80<sup>th</sup> Anniversary and, acknowledges and is thankful for the many mitzvas and civic contributions made by the of the people of Beth Shalom which have benefited all of the people of the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of this happy occasion does hereby declare Sunday, September 21, 1997, as "BETH SHALOM DAY" in the City of Pittsburgh.

Also,

**MR. UDIN PRESENTS:**

No. 2313 WHEREAS, Associated of Pittsburgh, located at 937 Liberty Avenue, 2<sup>nd</sup> Artists Ward, is incorporated as a non-profit organization as authorized by its Articles of Incorporation and By Laws; and

WHEREAS, Associated Artists of Pittsburgh is dedicated to providing opportunity and educational opportunities for artists from the region and throughout the country; and,

WHEREAS, Associated Artists of Pittsburgh desires to operate small games

of chance and/or conduct raffles to generate funds to finance its operations and further its purposes; and,

WHEREAS, the Council of the City of Pittsburgh hereby supports the efforts of Associated Artists of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the City of Pittsburgh hereby declares Associated Artists of Pittsburgh a civic organization within the context of the PA small games of Chance Act, as amended.

**MR. FERLO** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**The Chair:**

That concludes our read and adopted under presentation of papers.

**MR. CUSICK PRESENTED**

No. 2315 Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements for the purchase of furniture and equipment in an amount not to exceed Thirty Five Thousand (\$35,000.00) Dollars for the Parks and Recreation Senior Interests Program, chargeable to and payable from Senior Center Equipment, Account 500000, Organization 102000, Fund 2610, Subclass C1997, Grant/Project 2239503, Year 1997.

No. 2316 Resolution providing for a contract or contracts, agreements or agreements, or the use of existing contracts, or agreements for the payment of supplies, equipment, materials, salaries, rentals, and other services required in connection with the Baseball is Great (BIG) League Youth Sports Program in an amount of \$75,000.00, chargeable to and payable from Index 619031, Account 525500, Organization 102000, Fund 2610, Subclass C1997, Grant/Project G224117, Year 1997.

No. 2317 Resolution providing for a contract or contracts, agreements or agreements, lease or leases or management agreements, or the use of existing contracts, leases or agreements for the payment of supplies, equipment, materials, salaries, rentals, and other services required to provide center services for the HACP recreational and Senior Citizens Program in an amount not to exceed \$945,000.00, chargeable to and payable from the Housing Authority, Recreational and Senior Programs, Index 618405, Account 525500, Organization 500000, Fund 2610, Subclass C1997, Grant/Project 2215003, Year 1997.

Which were read and referred to the Committee on Parks, Recreation and Youth Policy Commission.

**MR. OCONNOR PRESENTED:**

No. 2318 Resolution providing for the issuance of a warrant in favor of the U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of \$1,700.00 in payment of the Annual Materials Fee Invoice; and providing for the payment of the cost thereof, charging the same to Code Account

1482, Miscellaneous Services, Account 525500, Fund 1000, Org. 301000, Sub-Class 150, Budget Year 1997.

Which was read and referred to the Committee on Finance and Budget.

**MR. RICCIARDI PRESENTED:**

No. 2319 Resolution providing for a Contract or Contracts, or the use of existing Contracts for fence repairs at Crispin Field, and providing for the payment thereof, at a cost not to exceed Ten Thousand (\$10,000.00) Dollars, chargeable to and payable from Account 543200, Fund 2610, Org. 400000, SubClass C1995, Project 2220088, Budget Year 1997, Department of Public Works.

No. 2320 Resolution amending Section 1 of Resolution No. 548 approved July 29, 1996, effective July 31, 1996, entitled "Granting unto The Pittsburgh Cultural Trust,, 125 Seventh Street, Suite 500, Pittsburgh, Pennsylvania 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, to place plaques on tree grates at various locations on a portion of the right-of-way along Penn Avenue in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

No. 2321 Resolution granting unto Donald and Madeline Hoover, 1128 Oakleaf Drive, Pittsburgh, Pennsylvania 15207, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a driveway, parking area and fence on Oakleaf Way in the 31<sup>st</sup> Ward, 5<sup>th</sup> Council District of the City of Pittsburgh.

No. 2322 Resolution granting unto Roxanne Franchini, 1228 Palo Alto Street, Pittsburgh, Pennsylvania 15212, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a garage on Wolfrom Street in the 22<sup>nd</sup> Ward, 1<sup>st</sup> Council District of the City of Pittsburgh.

No. 2323 Resolution granting unto Arch Court Inc., 1310 Arch Street, Pittsburgh, Pennsylvania 15212, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a concrete steps with steel handrails and four (4) trees on Arch Street in the 22<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

No. 2324 Resolution granting unto Frank and Florence Sklar, 76 South 16<sup>th</sup> Street, Pittsburgh, Pennsylvania 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fire escape on Delray Street in the 1<sup>st</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

No. 2325 Resolution granting unto Ken Falce, 297 Baldwin Road, Pittsburgh, Pennsylvania 15207, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicap ramp at 1903 East Carson Street in the 17<sup>th</sup> Ward, 3<sup>rd</sup> Council District of the City of Pittsburgh.

No. 2326 Resolution granting unto The Pittsburgh Cultural Trust, 125 Seventh Street, Suite 500, Pittsburgh, Pennsylvania 15222-3411, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a cornice and architectural trim for O'Reilly Theater on Penn Avenue in

the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

No. 2327 Resolution granting unto Pitt Ohio Express, Inc., 45 - 26<sup>th</sup> Street, Pittsburgh, Pennsylvania 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, fences and sliding access gate on 27<sup>th</sup> Street in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

#### **MR. UDIN PRESENTED:**

No. 2328 Resolution providing for the issuance of a \$1,450.00 warrant in favor of Marie C. Devine in settlement of a claim for sidewalk damage due to City tree roots, in full and final settlement of a claim for sidewalk damage due to City tree roots, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2329 Resolution providing for the issuance of a \$765.00 warrant to the City Treasurer for delinquent Real Estate Tax owed by claimant, and a \$00.00 warrant to be issued to John R. Muth in settlement of a claim for sidewalk damage due to City tree roots, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2330 Resolution providing for the issuance of a \$780.00 warrant in favor of Cesare Colucci in settlement of a claim for City tree roots damaging claimant's sidewalk and water box, 5556 Hampton

Street, Pittsburgh, Pennsylvania, 15206, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2331 Resolution providing for the issuance of a \$1,000.00 warrant in favor of Lawrence A. Raider, in settlement of a claim where claimant's vehicle was hit and damaged by a City ES vehicle on November 9, 1996, charging same to Code Account No. 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200 Judgements.

No. 2332 Resolution authorizing an amendment to the agreement dated December 27, 1973 between the City of Pittsburgh and Pennsylvania-American Water Company, as corporate successor to Western Pennsylvania Water Company.

Which were read and referred to the Committee on Finance and Budget.

#### **UNFINISHED BUSINESS**

##### **The Chair:**

That concludes our presentation of papers under unfinished business or reports of special committees. I want to remind the public that we are having a series of public evenings this fall beginning next week, Monday, September 22 there is a Public Hearing on the Regional Renaissance Sales Tax, the so-called sales tax increase for the stadiums and other development projects. This public hearing will be held at Taylor Allderdice High School on Shady Avenue. All of these hearings in the evening begin at 6:30 p.m. If you want to speak at this hearing, please call the city 255-2138. But we have four evening hearings on the sales

tax proposal around the city and we have six public hearings regarding the re-write of the City Zoning Code. If you need a complete list or you want to testify or want more information, please call your district council member or the city clerk at 255-2138.

In the interest of moving the agenda along if there are objections from any of my colleagues, we have four committees on the reports of Committees for final action. The committees being the Finance and the Budget, Councilman Udin and Mr. Ricciardi, Public Works, Water and Environmental Services Councilwoman McDonald, Housing Economic Development and Promotion, Councilman Cohen Public Safety Services, I don't think there are any controversial bills. They were all voted in the affirmative and I would ask the clerk to read all four committees for action.

#### **REPORTS OF COMMITTEES**

**Mr. Ricciardi:**

Good idea, Mr. President.

**The Chair:**

I think it was your idea, Mr. Ricciardi.

**MR. UDIN PRESENTED**

**Bill No. 2333:**

Report of Committee on Finance for September 11, 1997 transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

**Bill No. 2258:**

Resolution for the filing of a petition for the sale of certain properties and tax sales in accordance with Act No. 171 of 1984, Second Class City Treasurer Sale and Collection Act.

Which was read.

Also.

**Bill No. 2271:**

Resolution providing for the issuance of \$770 warrant in favor of Margaret Rea in settlement of a claim for sidewalk damage due to City tree roots.

Which was read.

Also.

**Bill No. 2272:**

Resolution providing for the issuance of \$1,248.97 warrant in favor of Bobby Waller in settlement of a claim for an accident involving a City refuse truck on March 4, 1997.

Which was read.

Also.

**Bill No. 2273:**

Resolution providing for the issuance of \$950 warrant in favor of Howard Ziegler in settlement of a claim for sidewalk damage due to City tree roots.

Which was read.

Also.

Bill No. 2274:

A Resolution providing for the issuance of a \$6,685.68 warrant in favor of David L. and Linda L. Stacy in settlement of a claim for sidewalk and sewer damage due to City tree roots on November 25, 1996.

Which was read.

Also,

Bill No. 2275:

Resolution providing for the issuance of a \$825.42 warrant in favor of Kathleen Scheidmeir in settlement of a claim for an incident in which the claimant's vehicle was hit by a City vehicle on July 5, 1997.

Which was read.

Also.

Bill No. 2276:

Resolution providing for the issuance of \$2,950 warrant in favor of William Johns in settlement of a claim for water draining into claimant's yard.

Which was read.

Also.

Bill No. 2277:

Resolution providing for the issuance of \$1,097.03 warrant to the City Treasurer for delinquent City and School

taxes owed by claimant, and a \$6,151.61 warrant to be issued to Sharyn Schardf in settlement of a claim for a flood in claimant's game room due to a sewer back-up.

Which was read.

Also.

Bill No. 2278:

Resolution providing for the issuance of a \$880 warrant in favor of Barbara Siegel in settlement of a claim for sidewalk damage due to City tree roots.

Which was read.

Also,

Bill No. 2279:

Resolution providing for the issuance of \$2,954.27 warrant in favor of Janice D. & William S. Pappert in settlement of a claim for an incident in which a city EMS vehicle hit claimant's parked vehicle on May 23, 1997.

Which was read.

Also,

Bill No 2280:

Resolution providing for the issuance of a \$967 warrant in favor of Bernard P. Cusick in settlement of a claim for excessive rain causing sewer to backup and flood claimant's home on August 8, 1996.

Which was read.

Also,

Bill No. 2281:

Resolution authorizing the Mayor and the City Solicitor to enter into a Contract or Contracts for the hiring of an Auditor to comply with the Consent Decree entered into between the City of Pittsburgh and the United States Department of Justice.

Which was read.

Also,

Bill No. 2282:

Resolution authorizing the Mayor and the City Solicitor to enter into a Contract or Contracts for the hiring of an accounting firm with expertise in electronic data processing auditing to work with the Auditor to comply with the Consent Decree entered into between the City of Pittsburgh and the United States Department of Justice.

Which was read.

Also,

Bill No. 2283:

Resolution amending Resolution No. 209, Item I, effective April 28, 1997, which authorizes the sale of a vacant lot, located at 3224 Stafford Street, 20th Ward, Block 42 G, Lot 55, to Michael K. Henry, for the sum of \$650 to correct the date and property was acquired by Treasurer Sale.

Which was read.

Also,

Bill No. 2284:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Which was read.

**MR. RICCIARDI PRESENTED:**

Bill No. 2334:

Report of the committee on Public Work Water and Environmental Services for September 11, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2257:

Resolution changing the name of Ravenna Sreet which runs from Spahr Avenue to Shady Avenue to read Ellsworth Avenue, 7th Ward, Council District 8.

Which was read.

Also,

Bill No. 2261:

Resolution Granting unto ICM School of Business, 10 Wood Street at Fort Pitt Boulevard, Pittsburgh, Pennsylvania 15222-1977, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, benches and planters on Wood

Street and Fort Pitt Boulevard in the 1st Ward, 6th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2262:

Resolution granting unto Robbie Oppenheim, Color Me Mine, Walnut Pavilion, 5608 Walnut Street, Pittsburgh, Pennsylvania 15232, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a sidewalk cafe' on Walnut Street in the 7th Ward, 8th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2263:

Resolution granting unto John Catanzaro, Sunfresh Food Service, Inc., 116 - 23rd Street, Pittsburgh, Pennsylvania 15222, his successors and assigns, an encroachment to construct, maintain and use at his cost and expense, a loading platform and parking area on Smallman Street in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2264:

Resolution granting unto Java 13 Cafe', 1224 East Carson Street, Pittsburgh, Pennsylvania 15203, their successors and

assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe' on South 13th Street and East Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2265:

Resolution granting unto County of Allegheny, 107 County Office Building, 542 Forbes Avenue, Pittsburgh, Pennsylvania 15219, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a handicap ramp at 3441 Forbes Avenue in the 4th Ward, 1st Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2266:

Resolution granting unto John T. Watero, 5744 Ellsworth Avenue, Pittsburgh, Pennsylvania 15232, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, an awning and planters on Ellsworth Avenue in the 7th Ward, 8th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2268:

Resolution granting unto Michael P.



McArdle, 1600 Bingham Street, Pittsburgh, Pennsylvania 15203, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, an access road on Newton Street and German Square in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2269:

Resolution granting unto Clark Bar and Grill, 503 Martindale Street, Pittsburgh, Pennsylvania 15212, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe' on Reedsdale Street in the 22nd Ward, 6th Council District of the City of Pittsburgh.

Which was read.

**MS. MCDONALD PRESENTED:**

Bill No. 2335:

Report of the Committee on Housing Economic Development and Promotion for September 11, 1997 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1878:

Resolution providing for an agreement with Pittsburgh Partnership cooperating and/or Administrative expenses of their agency involved in a variety of community economic

development activities at a cost not to exceed \$340,000.

Which was read.

**MR. COHEN PRESENTED:**

Bill No. 2336:

Report of the Committee on Public Safety Services for September 11, 1997 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No 2256:

Resolution amending Ordinance No. 22 of 1997 entitled Amending and Supplementing the Pittsburgh Code, Title Eight Fire Prevention and Title Ten Building by adopting a new Title Eight and Title Ten 1996 edition by including Section 118.3 Existing Buildings.

Which was read.

**The Chair:**

You've heard the reading and title of the bills from the four committees. Are there any comments?

**Mr. Udin:**

Just a brief comment to acknowledge the approval of the contract to hire the auditor for the consent decree. I enjoyed the discussion that we had in the interview with the auditor. I think the kind of people that were selected for this contract is important to how well it works. I am glad to see the choices that have been

made by the administration for these tasks. I just want to support it.

**Mr. O'Connor:**

I abstained Wednesday on that bill, and I believe, and to follow up what Mr. Udin said, I believe they did make a good choice and I had made more details of it and I support it.

**Mr. Cohen:**

Thank you, Mr. President. I'm on the same issue. I was also quite impressed with their choice for a consultant. We kind of put him through the ringer on Wednesday, and he survived quite well. I think he has the kind of background that is necessary for that position.

**The Chair:**

Thank you. Likewise I want to thank personally on behalf of all of us in Council the good work of our Solicitor, Jacquelyn Marrow, as well as the CIS Director and all the hard working staff including the Mayor, and himself, and the Mayor's office, I think they have really taken to heart the obligations and burdens to some extent of the consent decree but they took the task very quickly. Chief McNeilly himself has spent a yeomen time and effort and bringing into fruition all the obligations he must meet under the guidelines. I think we can be very proud that the administration is really taking the task and taking to heart their obligations. I was very impressed with the individuals that they have secured so far. I just think sometimes that we need to give them a pat on the back. I think they are really working night and day to resolve some of the concerns we have.

**Mr. Ricciardi:**

Let's not pat them too early because I do have a concern. And that is as I stated colleagues during the Committee Session. Obviously the consent decree has been signed by the administration and I believe I have a moral responsibility and obligation to vote for our reasonable and necessary cause and I will continue to do that. But I think its — I don't want to get off the issue to a great degree but I still cannot understand why this administration or anyone in the City of Pittsburgh, Allegheny County, the State of Pennsylvania needs to go to the State of Texas to get a consultant. And you are telling me that no other firm, no other individual in the State of Pennsylvania, this Commonwealth could not do the job?

But in voting for this, I'm voting for a generic resolution authorizing the \$130,000 so I am not voting to hire a particular gentleman, I am just voting for the resolution itself. But again, I just think its a pity, we hear all of this campaigning, and that we have to keep our bright and youngest and professionals here in the City of Pittsburgh, and we need a half percent sales tax to do that, and we need everything else, but when it comes to hiring these individuals, when it comes to hiring directors, we always leave our own boundaries. I think it is a pity, and I think it is a shame and its not missed by the taxpayer, because after that meeting, we received several calls in my office stating the same thing. As I stated, the only other guy I know from Texas is suing the City of Pittsburgh including South Sides Groups, but once again, I will vote to support this, but why can't we find and keep money within our own boundaries here? This guy

from Texas is not going to be spending money here. He is not going to be supporting our sales tax. He is not going to be voting on the additional half percent. I know I am getting off the resolution itself, but it just upsets me when we continue to leave the boundaries of the City of Pittsburgh to find talented individuals. Just ask anyone watching this cable cast television program today that has had young people that left the city because they couldn't find jobs that we were sending when this is over a half million dollars to the state of Texas. Thank you.

**The Chair:**

I agree with you entirely.

**Mr. Ricciardi:**

Vote no then, Mr. Ferlo.

**The Chair:**

Especially on the hiring of all authority directors, absolutely. Any other comments and/or discussion. Hearing none, if you are in favor of all bills from the various committees, vote aye when your name is called, if you are opposed, on any bill from any of the one committee, please vote no. Will the Clerk please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo

(Pres't)

(Mr. Cusick abstained on Bill 2280)

(Mr. Onorato voted no on Bill 2281)

All of the bills having received the legally required vote have been approved, finally.

**The Chair:**

That concludes our reports of committees under motions and resolutions.

#### **MOTIONS AND RESOLUTIONS**

**Mr. O'Connor:**

Yes, I would like to present the resolution if you want to read it? You want to read it into the record?

**The Clerk:**

You want the entire body read?

**MR. O'CONNOR PRESENTS:**

No. 2337 WHEREAS, the City of Pittsburgh has a long and storied history as the birthplace of the American industrial revolution - a place where generations of Pittsburghers went to work to develop cutting edge technologies which improved the standard of living of people throughout the world; and,

WHEREAS, Pittsburgh has the opportunity to continue its role as an incubator of innovation by becoming the center for the development of a new and emerging technology - *magnetic levitation* - providing the United States an opportunity to regain the leadership

position in the development of Maglev transportation technology; and,

WHEREAS, the development of a Maglev based transportation system would be of great benefit to the people of Pittsburgh, creating jobs, providing an improved public transportation system to better serve of our neighborhoods, easing traffic congestion, decreasing air pollution and improving our quality of life; and

WHEREAS, Magnetic levitation is a technology that holds great promise for the future of public transportation as well as the development of related technologies yet to be discovered; and,

WHEREAS, Pittsburgh is well suited to undertake the development of Maglev transportation systems, with significant resources already in place that are ready and able to support such an enterprise.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh voices its strong support of the development of a Maglev transportation system at a not yet determined location within the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does let it be known to all interested parties, be they representatives of private enterprise, the governments of the United States, the Commonwealth of Pennsylvania or the County of Allegheny, that the City of Pittsburgh, as a matter of public policy, will gladly support and assist in the effort to produce a Maglev transportation system within the boundaries of our city that is cost

effective, innovative, neighborhood friendly, and meets the needs of our transportation priorities.

**THE CHAIR** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

**The Chair:**

Discussion? Councilman O'Connor first to explain his resolution.

**Mr. O'Connor:**

Thank you, we've -- thank all of you for attending Friday's four hour Post Agenda Meeting on the Maglev opportunity for Pittsburgh. This is a rare opportunity. This is not only a parking and transportation issue, but it is an economic development and that means jobs. This is a public private partnership which is unique because a lot of the money is coming from IBW Unions backed by local banks. Most of the money is coming from the Federal Government which all of us here have fought for long and hard. I believe Western Pennsylvania has been shortchanged. If this money and this development doesn't come, it will certainly go to San Francisco or Houston or anywhere else in Texas. Bud Shooster has agreed that this is a special part of the legislation because its new development, again we appreciate some of neighborhoods concerns and I've had them in Oakland. People have talked, should be on Forbes Avenue, should it be on 5th? Where are the central stops? I think all of those things will be worked out. I appreciate Mr. Udin's concerns concerning the Hill District, which would be the major impact. Nothing will happen without all

sorts of community meetings, planning. This is a rare opportunity, and I think its once in a life time for us because its been 25 years since we made the tragic mistake of losing sky bus. Sky bus is all over the world. Its being manufactured in other places and it could have been all manufactured here and creating jobs. We were the first to have it, but through political problems we do not have it and we are suffering from transportation. In fact I'm kind of tired of everybody coming from other cities, St. Louis may be the main one, and having a monorail system from the airport to the downtown and now every neighborhood in St. Louis is fighting to be the next branch of this Maglev System this mass transportation system they have there. Toronto. Almost every city in the country except Pittsburgh. I hope I can get your support, let's give the Maglev Group the opportunity to go out and compete for these precious dollars and it certainly would help our city.

**Mr. Cohen:**

Thank you, Mr. President. I have researched this issue now and talked to a lot of people and have decided to support this resolution and the reasons are several. Number one, this Maglev project will help alleviate the transportation and parking crises that looms on our horizon. And we all know that that is the case. It will allow us if we get it to be on the cutting edge of urban inter modal transportation with the hope of creating a transportation industry, an industry that is supported by a Chair of the United States House of Representatives Transportation Committee as a possible solution to our urban transportation problems. It will create jobs and allow Pittsburgh based companies like Sargent Electric and Mack

Engineering, Hall Industries, etceteras to work on a new emerging technology with a corporate giant and that is Lawkeyed Martin. I do believe that we should have a similar hearing like we had last week for high speed Maglev because I have been contacted, and I am sure my colleagues have been contacted by that group.

But in my years on Council, I have never seen the coming together of forces around a public transportation project like I have seen with this Maglev project especially funding forces in Washington. Move over, this is the only viable project on the table that I have seen at least which addresses the fundamental needs for public transportation to the East End of Pittsburgh. Arguably the biggest public transportation need outside of downtown is through Oakland and the East End. We all know that Oakland is the third busiest sector in the Commonwealth of Pennsylvania after downtown Philadelphia and downtown Pittsburgh. This is the only one on the table that I see that addresses that need to the East End. None of the priorities that were addressed by the administration representatives at the public hearing talk about relieving congestion and parking to the East End. None of them do.

This Maglev group may not have followed precise process for projects yet, because it has happened quite quickly, and I think that they will. But they have created a tremendous opportunity. An opportunity for hundreds of million dollars to satisfy our public transportation needs, an opportunity that we haven't seen in the past, frankly and we may never see again. So sometimes you have to jump on opportunities quickly and I think this is that time. Thank you.

Mr. Udin:

Thank you, Councilman. First of all let me go on the record as being in favor of jobs and economic development and local manufacturing and even the concept of exploring and developing Maglev Magnetic Levitation Transportation. My objections to the proposal that have been presented have not been in opposition to those broad concepts that I think everybody can agree on. But the devil is in the details. And the specific project that has been presented by the Western Pennsylvania Maglev Corporation is brought with a number of problems. I won't use this forum to elaborate on each and every one, and I appreciate the work of Councilman O'Connor and the sensitivity of Councilman O'Connor in changing the language of his resolution in order to accommodate the concerns of the people in the Hill District who are most immediately impacted by the proposal.

I will bring to the attention of my colleagues that there are at least a half dozen proposals from Western Pennsylvania currently pending before the Transportation Committee in Washington. And not all of them are going to be funded. In addition to the half dozen proposals from Western Pennsylvania, there are 400 proposals from around the country. It is a very highly competitive process and committee. All urban areas and rural areas need transportation dollars and are competing fiercely for those dollars. The question I think we have to ask ourselves is what are the most important transportation needs in the region and in the City. And I think once you stack up those priorities in some kind of hierarchy, I think you will not put things like a transportation system that gets us

from the airport to the city, I don't think you would put that at the back of the list. I think that once you prioritize the needs, certain things take priority over other things. In my mind airport to the city Rapid Transportation is a high priority that we ought to be supporting. We also ought to be supporting funding for the Mon-Valley Express Way. There is some debate about where it will terminate in Pittsburgh and that debate should go on, and will go on. But that is an important regional transportation priority. Does Maglev become more important than the Mon Valley Expressway? Does Maglev become more important than the Pittsburgh to the airport transportation? Now the backers of the proposal would have us to believe, and we have to be the most naïve politicians to believe it, that there is no competition among all of the proposals. Of course there is competition. They will be competing. I have an amendment and I would hope that Councilman O'Connor would consider - distribute those please.

As a friendly amendment because it is in the same spirit of the sensitivity of the language change that the Councilman has offered and it also conforms to the claims of the developers and the Councilman that there is no competition. If there is no competition, and to the extent that there is no competition, my amendment would be to add at the end of the next to the last paragraph where the Councilman's new language reads, Maglev Transportation system at a not yet determined location within the City of Pittsburgh provided it has the support of impacted neighborhoods and does not compete with other regional transportation higher priorities. I would hope that the Councilman would consider that as a

friendly amendment because he has already expressed a concern for the neighborhood and indicated that it is not the intention of the Councilman to compete with other regional priorities.

**THE CHAIR** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

**The Chairman:**

Discussion?

My only reaction is two fold and I tried sit in on the Maglev Hearing as much as possible, but I had other meetings like a lot of other colleagues. I do have a problem. First of all, I sympathize with many of the concerns you expressed. I'm not sure how this resolution or even how we as an urban municipality have necessarily told to date either through the Mayor's office or through the SPRPC how we have already necessarily decided what the prioritization is any ways. In anybody is going to ask me for my vote? I am a member of SPRPC. I care a lot more about hooking downtown to the north shore as far as development or from downtown to the airport than I do about a southern expressway. So I don't know, or I have a problem with the way this is implied that some how we as a municipality have already made some decision. If you wanted to state specifically that our priority is to create linkage between the downtown and airport, I am all for that. But not knowing what this list is that you are implying here because I don't think we have gone through that process. I don't think there has really been a prioritization, at least not by this Council. Speaking on

behalf of the City as to what the prioritization is, and as far as the support of impacted neighborhoods, we should be so lucky to get money whether it should be from Maglev, the Mon Fayette or any where else and be able to be in a position to then reach the next step of having to talk about neighborhood impact issues and prioritization and who the developer is and fifty other questions that are going to come up. I would hope that for instance the Civic Arena property is rezoned C P, commercial planned units, so we could have the highest level of planning commission and Council scrutiny over what will happen down to how large the trees will be. I just don't think on terms of timing that we are at that point where we have to cross all of those bridges.

Having been the first Councilman here to vote for the development of Crawford Roberts, I have never voted or thought in my vote for Crawford Roberts that that somehow meant we were never going to have development proper and good development at the Mellanie Tent site above the arena. I hope that is not what is being implied. On a cursory level, the proposal to have an underground garage where the Mellon Square kind of top that is buffered with the residential quality of Crawford Roberts and has an inner modal connection to Maglev, to 279 ramp or anything of the sort. I don't know how that is necessarily harmful if you deal with remedial efforts for police or other kind of concern that would impact the community. It just seems that like we are already saying that a on small block of South Oakland or some where else has the official sign off to say well we are impacted, and we don't like it, and we're not going to have progress or make any changes.

That is not how we really engage. We've engaged, in fact this Council can take credit including yourself and everybody up here, countless times this Council has intervened and has been the form of last resort. We have reshifted and we have remodeled and molded different proposals for development that have come to us every step of the way. When there is be a problem, the public has come to this Council adjoining property owners, people that feel adversely impacted. We have gone out of our way to make a deal work and try to accommodate their interests. I would hope as a priority we would do nothing less than for property owners in the Crawford Roberts development.

I just have a problem with the way this is worded for those reasons. It doesn't mean I don't feel that the priority is Pittsburgh to the airport, it doesn't mean I don't think we need good planning that is in concert and active meaningful participation from adjoining property owners and adjoining community groups. I'm sure what the inference of what the purpose of this amendment is.

**Mr. Udin:**

Let me explain. First of all Mr. O'Connor's language since you are detailing problems with language, you might want to look at Mr. O'Connor's language.

**The Chair:**

Actually, unfortunately, the Chair doesn't have the actual bill in front of him, and I would ask for a copy.

**Mr. Udin:**

Let me share my copy.

**The Chair:**

Thank you.

**Mr. Udin:**

The language of the resolution indicates some Maglev system that does not yet have a location determined within this system.

**The Chair:**

Just to ask you, Councilman I thought it— out of respect to your concerns at the Post Agenda, Councilman O'Connor listed it this way for the very reason that there is major debates still to take place of what the various locations --

**Mr. Udin:**

That is exactly why I have offered the amendment to further clarify the intention of Mr. O'Connor, not to negatively impact the neighborhood. It is not just a little small block club. It is the largest housing development project this city has undertaken in the last 50 years. And if it does not compete with other regional priorities, then support for the Maglev will have no effect. This amendment will not have any effect on the extent to which Maglev does not compete with other regional priorities. I'm not trying to identify what those priorities are, Mr. President. I have only indicated that if there are other higher regional priorities such as the North Shore Group or such as the City to airport transportation, that the intention of our support is not to put Maglev ahead of those. That is the



intention of this resolution.

**Mr. Hertzberg:**

Thank you, Mr. President. I am supportive of this resolution mainly because of the broad nature of it. And as amended by Councilman Udin, I think it is even broader. I don't think we should be focusing on the specifics, but more on a general topic, I think we have seen a birth here in Pittsburgh of some very new technologies that have been successful. Things like robotics, things like the biomedical revolution that we are now leading the world in, and transplant technology and those kinds of things. So I think we need to embrace other possible typical advancements in technology and Maglev could possibly be another one.

But after hearing the public hearing and kind of asking some questions on my own about the technology itself, I'm not convinced that we are ready to specify where its going or even the fact that it can go anywhere right now in Pittsburgh, but I'm not ruling it out for the future at the same time. To do these kind of things and to explore them, takes a lot of money. I am convinced also that the funding for this is a separate pot of money that in no way will our priorities and my priorities, particularly being an airport bus way that is under construction, but I don't see this at all as jeopardizing that. I see this as a totally separate fund. So I am in complete support of this thing recognizing that funds are going to be needed to go further in the research and development of this possible revolutionary item, but none the less, possibly a no where item too, but I think it is something that merits further exploration.

**The Chair:**

Let's try to focus in on Councilman Udin's amendment. I don't object on the amendment based on what Councilman Udin further embellished there. Let's try to focus in and move on Councilman Udin's friendly amendment and then vote on the resolution itself. So, on the amendment, any other questions or comments on the amendment?

**Mr. Cusick:**

I think you made a good strong point when you said about the priorities. I think as Mr. Cohen said, we really need to have a meeting if not with the high speed Maglev people to find exactly where they are. They have been working for a number of years on putting their system together. We know where South Fayette Bus Way is. We now no where these people are. We need to find out what our leadership's priorities are in Washington, what the community priorities are, and what this Council and the Mayor's priorities are. I think you made a good strong point when you said everyone is coming from a different avenue and what is the priority? Is it Councilman Udin's priorities or is it your priorities or mine? I think that's a big problem. I do appreciate the amendment, but at the same time, what regional transportation higher priority is there? And I would think that a number of people would say you know whatever. Whatever their choice is, is it a priority?

One other point, I really believe that we need to find out where Maglev, the high speed Maglev, is in order for us to get some idea. We just recently went through the South Fayette Expressway with the state and we know where that is. I really

don't have a feel. I know they have been working hard for a number of years, but I think we need to quickly bring in those people and find out what is going on there too.

**Mr. Cohen:**

Thank you, Mr. President. With all do respect to my colleague, Councilman Udin, whom I have tremendous respect and admiration, I disagree with him on this one amendment. At first blush it looks pretty harmless and I agree with that, but when you think about it, the portion that says, provided does not compete with other regional transportation priorities, really in my view goes to the heart of the matter. Because it is doesn't state whose priorities those are. Everybody has got different priorities. It would be great if we all had the same priorities. And hopefully we can work towards that, and that is one of the reasons behind this resolution is to try to help define what our priorities are and I think this Council has role, albeit not the most important role, but never the less, a role in defining what those priorities should be. Frankly, I have not been involved or haven't been called to be involved in the priorities that were announced last week by Director Hirsh and Steve Leeper. I know that they are working very hard on this, but this resolution, the intention behind it I believe, is to help define our priorities rather than to punt to another group as to what those priorities are. It is not clear to me when it says other regional transportation priorities, whose priorities? The Port Authorities, SPRPC's, the Mayor's, the State Legislatures or the neighborhoods affected? All of those people and groups have a strong interest in this and so does this City Council. I think we all need to

work together to try to define our priorities. The fact of the matter is, there appears to be three hundred and \$374 million dollars available for this project. Maybe it won't in the end materialize. But there appears to be a chance for Pittsburgh to get \$374 million for a public transportation project which in my view at least is a very high priority project. Let's get the money first and fight later.

**Ms. McDonald:**

Yes, I am ready to call a question. I want to commend Bob O'Connor for bringing forth this and resolution and having amended it, to take into consideration some of the Council member's concerns about the impact upon neighborhoods and the specifically as to where its going to be. Basically I think we all need to be reminded that this is a non-binding resolution it does not give authority or cannot mandate an entity to allocate monies for certain projects. It is doesn't say where -- if we are going to have Maglev. It is a non-binding resolution that just states to whomever receives it, that the city of Pittsburgh would like to look into Maglev, that we are being very receptive to the idea, but it leaves it very open ended. So it doesn't say its going to be in this location, that location, or in deed if we really have a location. It just says we are receptive to the idea. Now, that is how I read the resolution. Now in terms of Councilman

Udin's amendment, I have very adamantly supported that amendment. Because how in the world are you going to have such a large scale transportation pilot program anywhere unless you are in cooperation and collaboration with the neighborhoods. These are, I think this is a

no brainer here. This amendment also is very open ended. I just keep getting back to the point we are milking a non-binding resolution. Councilman O'Connor, I think the whole thrust of his post agenda was to bring it to the table. We had the dialogue, we learned a lot, I learned a lot, and now let's proceed forward that if in deed there is a pot of money and it does not compete with other transportation projects, then fine, the City of Pittsburgh is receptive toward it.

**The Chair:**

Can I make a suggestion, possibly. If Councilman Udin and you would agree, what if at the end of this resolution that Councilman O'Connor wrote where it says within the boundaries of our City, that we just said within the boundaries of our City that we will gladly support and assist in the effort to produce a Maglev Transportation System within the boundaries of our City that is cost effective, innovative, neighborhood friendly, and meets our transportation priorities?

**Ms. McDonald:**

Yes, that is all right.

**Mr. Udin:**

If you have a different recommendation?

**The Chair:**

Is that all right?

**The Chair:**

It doesn't get into this debate about--

**Mr. Udin:**

There is no debate. All we have to do is support the amendment.

**The Chair:**

Your amendment still implies somehow that we can't ever win neighborhood support or that some how we--

**Mr. Udin:**

It doesn't imply that at all. It just says to the extent--

**The Chair:**

Okay. I was offering a friendly suggestion, but if its not accepted, that is fine.

**Mr. O'Connor:**

I think you made a very friendly amendment. I think it goes without saying nothing can be done in the City without neighborhood meetings, the impact, the planning, everything we do has to go through that process. But it may send a message before anything can happen. We have to get every neighborhood on board. That will take three, four years.

**The Chair:**

The reason I don't like.

**Mr. O'Connor:**

Unfortunately we don't have the time.

**The Chair:**

I know the administration--some of the administration, Councilmen have already made approaches to neighborhood groups to oppose this whole Maglev thing. They are already out working on that issue, so I don't want to make this seem like somehow if the neighborhood group doesn't give their signoff, that we can't address impact issues--

**Mr. Udin:**

But at the same time, who wants to make it look as though we are going to dump Maglev in the middle of neighborhoods without regard to how it impacts those neighborhoods. Do we want to do that?

**The Chair:**

We would never do that. You know that.

**Mr. Udin:**

Of course we would do that. I don't know what we would never do. That is the purpose of writing legislation, to restrict what we will and will not do.

**The Chair:**

I cannot see this Council impacting a neighborhood adversely.

**Mr. Udin:**

Then you shouldn't have any problem with the resolution.

**Mr. O'Connor:**

I think you are trying to gut it, in a

sense that it sends a negative message. That is my point.

We all agree that nothing can happen without planning and organizational meetings. I had the same problem in Mon Valley. Last night there was a small group who was organizing to go against the Mon Valley express way. The same group that is against everything. I would like to know what they are for? But if you live on my end of the city especially, and in fact if you live in the south end or north end, its bumper to bumper. Ladies and gentlemen, if we don't stand up and start making something decisions five, ten years from now I don't see anybody going anywhere in the city. We will be walking home. It is going to be bumper to bumper.

When you said, does not compete with other regional transportation higher priorities, I haven't heard one priority that this administration or any leadership has come forward and supported. We have been fighting since I have been on Council to close this bridge. Mr. Hertzberg is in the middle of that discussion and we are going no where. We have lost Federal funding for Duquesne, Fort Pitt Boulevard already because of in action by this administration, and the high speed Maglev to the airport, I was at the first meeting six years ago, it is a wonderful project. Everybody would embrace it, unfortunately it stalled, there is no money. They are not even going after the money. To be honest with you, this kind of risen them up to their credit, let's go. They should be working.

The Mon Valley Express way I think is the other major priority, to me personally, I see a major priority in this City and they were here and supported it.

The Mon Valley people came and supported this resolution. They are supporting the lowest speed Maglev. I think it is time we stand up and support this, we have to start making decisions. We can't go to every neighborhood to make the big -- to get the big picture. There is a small window of opportunity, its only for a couple of weeks, they have to make a decision to go after the money. If the money comes, we are certainly going to go to every neighborhood and this will take years. It will take 27 months to do the experiments and build the thing. They will be doing that in the same time they are determining the routes. I am certainly open to the routes, I here it every day. What route is better or worse?

I think it is time. We are elected to make major decisions. This is a major decision that we cannot sit back on. I just think, especially this higher priority, we don't have a priority. I wish we did. But at least this is a priority and transportation to me, and parking is one of the major issues in this City, jobs are right beside it. Jobs are right beside, this is like a win, win all three. You heard how many jobs are going to come and they have committed to hire city people to start training. The training alone will take two years. There aren't the qualified people to do this work right now. So, I think the more we dilute it or play with it we are just risking it.

Certainly I think neighborhoods you know nothing will happen in any neighborhood heck I built a senior high rise in Greenfield, first one in Greenfield, forty units. They took me to court 5 people. But now they are in line to get into the high rise. The gentleman who spoke who lived in Crawford Roberts after saw the new pictures of the parking garage

how low it was, after he looked at it, said it is much better. He had concerns of the future high rise buildings. He also said, I have a son going to Pitt, and this would be great for him to be able to hop on the monorail and go to Pitt. There is a lot to be explained. I go through it everyday with the Mon Valley, explain the routes, the proposed routes, and they will be changed.

I offered to work with the Mayor on the Mon-Valley Express Way. I am very open. I just want it to come. Whatever works the best. I believe this just got its in a little bit, I would prefer to vote no on the resolution, I think we are 99% here. Let's stand up and start making some decisions that will impact the future of our city.

#### The Chair:

On the amendment, any other discussion? Role call vote on the amendment.

The ayes and noes were taken agreeably to law, and were:

#### AYES:

Mr. Hertzberg	Ms. McDonald
Mr. Ricciardi	Mr. Udin

#### NOES:

Mr. Cohen	Mr. Cusick
Mr. O'Connor	Mr. Onorato
Mr. Ferlo	

(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

#### The Chair:

I would like to offer a friendly amendment in the spirit of Councilman Udin's concerns, whether he accepts it or not I don't know, but on the last paragraph where it is says assists in the effort to produce a Maglev Transportation System within the boundaries of our City, I would like to add that is cost effective, innovative, neighborhood friendly, and meets our transportation priorities.

**MR. RICCIARDI** moved to adopt.

**MR. UDIN** seconded the motion.

Which the motion prevailed.

Any other comments regarding Maglev?

I would ask for a vote for the mayor's appointment of Mr. Wunderly to the Standard and Appeals Board and Councilman Udin has a non-binding referendum regarding I think Small Games of Chance. We did that already. The Maglev was approved as amended. This is an appointment of the Mayor to the Board of Standards and Appeals.

**MR. FERLO PRESENTS:**

No. 2338: Resolution authorizing the Appointment of Edward A. Wunderly, P. E., 650 Smithfield Street, Suite 2600, Pittsburgh, PA 15222, as a Member of the Board of Standards and Appeals, term to expire September 30, 1998.

Which was read.

**MS. MCDONALD** moved to adopt.

**MR. HERTZBERG** seconded the

motion.

**The Chair:**

This is the mayor's appointment to the Board. We have to have people on the Standards and Appeals Board.

If you want to interview the gentleman, we can interview the gentleman. I have no problem.

**Mr. Onorato:**

Bring him in.

**The Chair:**

Would you please have the gentleman come to one of the Wednesday sessions? Work it out with Councilman Udin. Any other comments or any other motions to be read or adopted?  
And on the motion of Mr. Ricciardi,

Council adjourned.

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# MUNICIPAL RECORD

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## ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, September 23, 1997

### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

### The Chair:

Good morning everyone. First of all, I would like to welcome some of the AFL-CIO delegates that are here this morning some in particular from the Unite Union, the Union of Needle Trades, Industrial and Textile Employees that are in town for the AFL-CIO Convention, as well as an old friend Ann and Denise from the Coalition of Labor Union Women that are in the audience today. We have a number of guests in the audience today, but at this time would you all please rise for the Pledge of Allegiance and would

you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a student here this morning, Vikki Moser. Vikki is six and a half years old. She attends Friendship Elementary School, she is in the second grade. Her mom is here, Cathy Moser, and she is Councilman Cohen's District, and Vikki is going to lead us in the Pledge of Allegiance.

### Vikki Moser:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

### The Chair:

Thank you. Thank you, Vikki, you did a great job. Our City Clerk would like to present you with the flag of our City and the flag of our nation.

## PRESENTATIONS

### The Chair:

As I mentioned, we do have some Union rep's here today from the Convention, and specifically Vice President Unite Bruce Dalton we want to welcome him into Council Chambers today. We have a number of guests in the audience today, and at this time I would like to call on Councilman Cohen:

**MR. COHEN PRESENTS:**

No. 2339 WHEREAS, Attorneys Ruth A. Zittrain and Lester E. Zittrain have been partners in the Pittsburgh law firm of Zittrain and Zittrain since 1982; and

WHEREAS, Ruth A. Zittrain and Lester E. Zittrain are the first husband and wife members of the Board of Governors of the Allegheny County Bar Association and are active leaders in a wide variety of Bar Association activities; and

WHEREAS Ruth A. Zittrain and Lester E. Zittrain have both been elected to membership in the prestigious Academy of Trial Lawyers of Allegheny; and

WHEREAS, in addition to their distinguished legal careers, both Ruth A. Zittrain and Lester E. Zittrain have donated their time to our community, Ruth having been a past president of the 2800 member Pittsburgh Region of Women's American ORT and Lester having served many years as a board member and officer of Tree of Life Congregation; and

WHEREAS, Ruth and Lester Zittrain are the proud parents of three children and have two grandchildren; and

WHEREAS, in recognition of their distinguished careers and support for the State of Israel, Ruth and Lester Zittrain will be honored by the Pittsburgh/Tri-State Legal Division State of Israel Bonds at a tribute dinner on September 24, 1997, with noted syndicated columnist and Washington political consultant Douglas Bloomfield as keynote speaker.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and thanks Ruth and Lester Zittrain for there dedicated years of service to the legal profession and our community.

**THE CHAIR** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

No. 2340 WHEREAS, there are more than 350,000 nonprofit philanthropic organizations in Pennsylvania that are largely responsible for enhancing the quality of life for our State and County citizens, and others throughout our country and world, and

WHEREAS, the people of the City of Pittsburgh own a great debt to the schools, religious organizations, museums, art and music centers, youth groups, health and human services providers, research Institutions and institutions and organizations that aid and comfort the elderly, the disadvantaged and the sick; and

WHEREAS, the National Society of Fund Raising Executives, Western Pennsylvania Chapter, plans to honor Richard P. Simmons as Outstanding Philanthropist; Anthony L. Bucci and Gwendolyn G. Simmons as Outstanding Volunteer Fund Raisers; The Buhl Foundation as Outstanding Foundation, Child Health Association of Sewickley as Outstand Philanthropic Organizations; the North Hills Senior High School Hands for Service Club and the Presbyterian SeniorCare "Christmas Angels" as



recipients of Outstanding Youth Awards; Richard J. Mahoney, CFRE as Outstanding Fund Raising Executive; and Antonio J. Palumbo as recipient of the 1997 Lifetime Achievement Award and;

WHEREAS, the people of the City of Pittsburgh should demonstrate their gratitude and support for philanthropic organizations and the efforts, skills and resources of those individuals who carry out their missions,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare September 23, 1997 as National Philanthropy Day, and urges the people of the City of Pittsburgh to join in supporting those philanthropic organizations that help make life in the City of Pittsburgh better for everyone.

THE CHAIR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS:

No. 2341 WHEREAS, Lou Bucci is a gentleman who has traveled and successfully worked in the restaurant business in several areas of the United States, and has chosen to return to his hometown to continue to build his legacy in and around the City of Pittsburgh; and

WHEREAS, Lou knows every phase of the restaurant business having worked as janitor, dishwasher, busboy, cook, waiter, and doorman; then in administration and executive positions

such as assistant to the president, corporate director, director of operations, executive vice president, owner, designer, builder, and consultant; and

WHEREAS, Lou has received accolades and several awards, including the Five Star Restaurant Award in Denver; and

WHEREAS, in April 1997, Lou reached the very top of his profession by being chosen Restaurateur of the Year by the Western Pennsylvania Restaurant Association; and

WHEREAS, through his position as Vice President and Board Member of the Western Pennsylvania Restaurant Association Lou is in the forefront actively trying to change and improve the restaurant industry;

WHEREAS, Lou's newest restaurant business venture is the reopening of the historic Temperanceville Tavern in the West End Business District of the City of Pittsburgh;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Lou Bucci for being acknowledged as Restaurateur of the Year, wishes him success with his newest endeavor, the Temperanceville Tavern, and commends him for all his past achievements and his continuing efforts on behalf of the restaurant business.

AND BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh warmly welcomes this talented Restaurateur to the

Temperanceville Tavern in the West End of the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR HERTZBERG** seconded the motion.

Which motion prevailed.

**Ms. McDonald:**

Thank you very much. I am going to read the resolution. This comes from all Council members, I know that Councilman Hertzberg particularly is very familiar with many of the people that are involved in housing and the Realtors Association as he has presented much legislation that involved advocating people who own homes, their rights. So again, I am reading this on behalf of all Council members.

**MS. MCDONALD AND ALL COUNCIL MEMBERS PRESENT:**

No. 2342 WHEREAS, the Housing Week Coalition was formed by private organizations involved in the housing industry to educate citizens on housing related issues; and

WHEREAS, the Coalition consist of the Builders Association of Metropolitan Pittsburgh (BAMP), the Realtors Association of Metropolitan Pittsburgh, the Apartment Association of Metropolitan Pittsburgh, the Home Builders Association of Westmoreland County, the Institute of Real Estate of Real Estate Management, the Mortgage Bankers Association, and the Urban Redevelopment Authority of Pittsburgh; and

WHEREAS, the Coalition is promoting housing awareness through its Housing Week activities which run from September 20, through September 26; and

WHEREAS, during Housing Week, the Coalition will take the lead in promoting the housing industry through industry professionals, advertising, consumer service articles, educational radio programs, charitable events, open houses, and the Housing Excellence Awards Dinner; and

WHEREAS, the Coalition, as part of its activities, has also chosen to honor the Urban Redevelopment Authority of Pittsburgh, under the leadership of Mulugetta Birru, with the 1997 Government Achievement Award for its efforts in promoting housing opportunities in the City of Pittsburgh.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends the Housing Week Coalition for going above and beyond in educating the consumer on housing issues.

**THE CHAIR** moved to adopt the resolution.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

**Ms. McDonald:**

I am going to present the resolution, I'm not sure who I should present this resolution to because many of you are on here, but since he is closest, I'm going to present this to Dan Sosso, who is President of the Builders Association of

Metropolitan Pittsburgh. I would also like to introduce all those up here, Jerry Speer who many of us know because he is always down here at Council Meetings with Realtors Association of Metropolitan Pittsburgh; Don Dukstein who is President of the Remodelers Council, Builders Association of Metropolitan Pittsburgh; Sharon Scheidenmantle, President Women's Council, Builders Association of Metropolitan Pittsburgh; and William Markus, President Apartment Association of Metropolitan Pittsburgh. We also have representatives of the URA, but this is the man that sets going to that I hope will come up to the mike to speak is Dr. Birru, for which was instrumental in helping the URA receive this prestigious award.

I do want to say, because I am just going to leave the microphone here and turn it over to you guys, if you want to have some remarks. But before that, I want to show you what they all left on our tables, is this free to the public?

**Mr. Sosso:**

Yes.

**Ms. McDonald:**

This is the 1998 Consumer Housing Handbook and this says practical information about renting, buying, remodeling, or building your home. It is probably very valuable informational piece. There are many pieces available to the citizens of Pittsburgh and Allegheny County as well as the Greater Western Pennsylvania area. So, again, if you don't know how to pick up this copy, I am sure Dan will tell you how to pick up a copy of this. Congratulations to all of you.

**Mr. Sosso:**

Thank you all very much. It is a pleasure to be here today. As housing industry professionals, housing week coalition team is extremely grateful and pleased to have Pittsburgh City Council has issued this proclamation for housing week. Housing as you all know is very important to each and every one of us. Where we live says a lot about us. And defines in many ways who we are. Our homes are our physical centers of our lives. From holidays and birthdays to anniversaries and retirements, most of our special celebrations take place in our homes. Our homes bring stability to our lives. We gather together as families in our homes we head home after a tough day at work knowing home will give us the sanctuary we need after spending a difficult day at the office. For our children, our home is truly a special place. We forge our childhood memories in our homes, back yards, driveways, and provide landscape for games of catch and hide'n go seek. Children run through the sprinklers and make homes for dolls, toy trucks in those yards. Homes as you can see are more than just a place to live.

Practically everything else we own cars, clothes, major appliances, depreciates in value over time, homes actually increase in value over times. This creates a financial nest egg for homeowners. This nest egg can be used for retirement, to offset the cost of the child's education, and any other emergency that may occur. Residential construction impacts the economy by creating jobs, wages, and tax revenues both directly and indirectly. According to the National Association of Homebuilders the construction of 1,000 single-family homes generates

\$75,000,000 in wages and \$37,000,000 in combined federal, state, local revenues and fees. These numbers combined with the physical and emotional importance of the home to consumers making crucial for all of us work together to promote the housing industry. This is what housing week is all about. It is a celebration of housing in our homes. As elected officials, it is important that we work with the housing industry leaders and professionals so that we can all continue to help our residents find housing that suits your individual needs, which in turn makes your house a home. Thank you very much and we certainly appreciate this.

**Mr. Speer:**

On behalf of the over 3,000 members of the Realtors Association of Metropolitan Pittsburgh I thank you for this proclamation. The American dream of home ownership is shared by approximately 65% of American families across the United States and it is the goal of the Realtors Association and these other organizations to provide every opportunity to families in our region to reach this American dream. Your recognition and acknowledgement gives us the opportunity to kind of showcase the products and services that we keep available. So, I thank City Council again for your participation in this fine effort. Thank you.

**Mr. Birru:**

I would like to thank Councilwoman McDonald for her recognition of all this hard work on housing development business. As you know, the URA has been involved over the

last seventeen years in providing over \$600 million dollars for all support for home ownership, housing developments of all kinds. We are literally tied to one out of every three families in Pittsburgh. I think it is a wonderful accomplishment. We are very blessed that the group has given us an award this year as government award for 1997. That is a wonderful recognition. And as you know, we have been working hard on a number of projects from Washington's Landing, to North Shore, to South Side, to Corporate square in the Hill District, homeowner is now a midget to Land mind, with Council member O'Connor helping us. And I think we are going to make a big difference in our area and this kind of recognition from the private sector who are actually actively involved in all of our development efforts has been a wonderful blessing and a wonderful input for all of our successes. And Council thank you very much and I would like to thank all of the supporters who see to it that the housing building industry. Thank you.

**Ms. McDonald:**

Yes, I want to make sure -- Because all of us, I will be remiss Councilman Hertzberg I highlighted as recent legislation, but do you know every single Council member has been very intricately involved in some type of housing issue that is pro-homeowner, pro-people staying here, pro-people living in the City of Pittsburgh. Every single one from Councilman Udin to Crawford Square; Councilman Gene Ricciardi whose being involved with the South Side Development; Councilman Onorato who has brought up some very hot and controversial issues but some that needed to be brought to the table to protect this

City at large; Councilman O'Connor and of course, Councilman Cohen recently with the very sticky situation and being a very effective mediator in that process in Shady Side. So I don't want to be remiss in acknowledging all Council members in having worked with these people up here in promoting housing in the City of Pittsburgh. What are you saying these people - that is not a slur that is diversity up here, Bob. Up here in the City of Pittsburgh.

**Mr. Hertzberg:**

Thank you. First I want to congratulate the Housing Week Coalition on naming Dr. Birru. I think that was a great selection. It has been my pleasure to work as a Board Member on URA with Dr. Birru and to see the housing that is coming into the City now and to have gentleman like Dan Sosso in Council Chambers, and now having the City as one of the hot areas for new construction is really great. It is nice to see quality builders come and build in the City and to have the quality houses that your various associations are giving us in places like the South Side and a couple places in District 2 on Mt. Washington and West Wood. We are happy to have your members building there. Congratulations, Dr. Birru.

**Mr. Cohen:**

Thank you, Mr. President, also, Valerie, for hosting this. I appreciate it very much. I also want to congratulate the Realtors Association and the Builders Association etceteras. I met with Mulu Birru this morning to talk about perhaps the biggest housing project that the City has done in a long time, and that is to build

over 700 homes in nine mile run. I know all of you are involved in that, and that will certainly be a big boost in housing in Pittsburgh. I just want to congratulate you for being a partner in all of the City's efforts and for all that you have done. Thank you very much.

**The Chair:**

Dr. Markus do you want to speak also?

**Dr. Markus:**

Sure.

The Apartment Association of Metropolitan Pittsburgh is a strong supporter of the housing coalition. And the events of this weekend, on behalf of the Apartment Association we certainly want to thank City Council for all of their help and support as we try to build houses in the city and build residential units in the city. So thank you again, Council, for your support.

**MS. MCDONALD PRESENTS:**

No. 2343 WHEREAS, on Saturday, September 20, 1997, the Sickle Cell Society, Inc., will celebrate the completion of its mortgage on the Murray-Irvis Genetic Center; and

WHEREAS, on April 17, 1987, the Sickle Cell Society, Inc. completed the construction of the Murray-Irvis Genetic Disease Center located in the Homewood-Brushton section of the City of Pittsburgh; and

WHEREAS, this comprehensive community-based psychosocial, medical

treatment and research center is the flagship program in the United States using a holistic approach in providing care for its clients; and

WHEREAS, one out of every four hundred (400) African-Americans carry the Sickle Cell gene and one out of every eight (8) African-Americans carry the trait. This disease is a major health problem within the African-American community; and

WHEREAS, the Sickle Cell Society, Inc.'s dedicated Board of Directors, Executive Director, Staff and Support Team are committed to constantly providing and making available the very best care for their clients.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh comments the Sickle Cell Society, Inc. for its accomplishments toward its major objective of preserving the lives of those suffering from Sickle Cell Disease. We also congratulate the Society as it celebrates the completion of its mortgage on the Murray-Irvis Genetic Center.

THE CHAIR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Pat and Charles please come up. We have Pat Carneveli from the LTV. He is the General Grievance Officer and Charles Chatuba. He is the Acting Zone Committee person for the United Steel

Workers, Local 1843. We are bringing them here to bring the attention to the public that we have not given up on LTV yet. There is promise we are going to be going to court to fulfill obligations that the Union has with a company, but I am very, very concerned it bothers me that we have the possibility of losing 800 jobs just two miles from here, and a forty million dollar payroll that is a heck of a lot. That is an average of \$50,000 a year jobs and we just won't find those if they go. We are going to be fighting very hard for these jobs up until the end. I don't think the end is here. We are going to request that the Mill stay open. Coke is a booming industry right now. They want to buy it some locally but I am afraid a lot of it will be coming from China and over seas and it certainly isn't fair. We sat back in the 70's and let all of those jobs leave. Well, we aren't going to sit back any longer. We have the help of our Federal Government Senator Specter has been very helpful; Congressman Coyne we have been meeting on a regular basis trying to support the workers.

As I read this resolution, even if the worst happens, I think LTV owes a commitment to the people here to build a new Coke plant in our region. It may not have to be in the same area, but to keep those 800 workers and their families and that \$40,000,000 payroll should stay in the Pittsburgh region. If you go to Cleveland, they are booming up there, and they started here in Pittsburgh and their company is very, very successful and I just can't see them walking away leaving Pittsburgh empty handed. I will read the resolution and ask Pat to make some comments.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 2344 WHEREAS, on Monday, July 14<sup>th</sup>, 1997, LTV Steel Company notified its employees that it intended to permanently close its Pittsburgh coke and by-products plant, located in the neighborhood of Hazelwood, by the end of 1997; and

WHEREAS, the proposed closure of this facility will result in the loss of the jobs of approximately 750 steelworkers who are represented by Local 1843 of the United States Steel Workers of America, 100 salaried LTV employees and, a number of contractors and vendors who rely upon significant revenues derived from the Hazelwood coke works; and

WHEREAS, as a result of the LTV Steel Company's action, this region will lose a major employer with a \$40 million annual payroll, the loss of which will have a severe, adverse effect upon many families who reside in the City of Pittsburgh and Allegheny County.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does fully support Local 1843 of the United States Steel Workers of America in their effort to have the LTV Steel Company live up to all its contractual obligations related to the pending closure of the Hazelwood Coke Works and, furthermore, the Council requests that the LTV Steel Company reconsider its decision to permanently close the Hazelwood plant in December of 1997.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh encourages the LTV Steel Company to recognize its obligations to their employees, and its civic responsibilities to the City of Pittsburgh, and requests that

the LTV Steel Company commit to construction of a new coke making facility in the Pittsburgh area.

THE CHAIR moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And this is sponsored by all Council members and I thank everyone for their involvement. But we all have family members who are past who have been associated or lost their jobs in the Steel Mills, and if you look at Pittsburgh, people brag about Cleveland, well Pittsburgh lost almost 30% of their manufacturing jobs, Cleveland only lost 5. So that is why we are trailing the rest of the country. I hate to keep referring to Cleveland, but if you go to - when we were here with the Maglev if you heard the contractors there, and Lawkeyed Martin, Indiana and Ohio is kicking our tails with industrial jobs. The steel industry is booming there, the auto industry is booming, Pittsburgh has to come together and start keeping and bringing these jobs to Pittsburgh.

Mr. Carnevelli:

Thank you very much. I want to thank Council on behalf of all of the 750 members of Local 1843 of which I represent. Plus another 2,000 contractors that we have a payroll of close to \$40 to \$50 million. Come October 13, 14, and 15, we go to arbitration over this. By the end of November 24<sup>th</sup>, no later than November 24<sup>th</sup>, the arbitrator must rule in whether we are going to keep the Coke

plant here in Pittsburgh. I firmly believe we are going to win this arbitration decision. It is a decision we need, it's a decision our people need. We just can't keep on losing everything. This company just can't keep on getting up and walking away from any place or anywhere they want without having obligations back to the City and to the people who put them on the map. We took this company out of bankruptcy, we made them what they are, they come down and they hit a lump out of all of us. I would assume even you lost some tax monies when they went into bankruptcy. So I want to thank everybody and thank you very much.

**The Chair:**

This is a very important proclamation obviously. I want to thank Councilman O'Connor for getting the awarding together, presenting it today, and obviously all of us on City Council would like to join with you. If you have any specific planning or organizing meetings that you feel is appropriate for us to be there, and the neighborhood groups that we represent, I think it is amazing the Pirates have a \$9 million payroll for about thirty ball players and we are tripping over ourselves with great concern about keeping them here. I haven't heard any comments from Patty Burns and all of these other people that are part of the Regional Renaissance initiative who are out raising sales tax to keep the Pirates here. Yet we have a \$40 million payroll on the South Side, hundreds of working families have excellent paying jobs, with benefits, and also millions of dollars in monies that are spent on sub-contractors, the banking community, you name it, the multiplying effects of the dollars that are spent at the LTV are almost incalculable

and we see no response. I think it just a backwards policy. I think this Council has to remain strong and do whatever we need to do with whatever dollars we have including the Development Fund to be a partner in making sure that we secure modernization and upgrade of the LTV Works here in the South Side. Please let us know of any meetings that you think it is appropriate for us to be at. Thank you.

**Mr. O'Connor:**

One more comment, if you read in the paper the company is saying they need a \$500 million to upgrade the plant. When the workers have a plan to put it together for \$25 to \$30 million, I think, they can keep this - We know it is not going to be there forever we are just asking to keep it there for five or six years and that was the ultimate plan until some new facility, new technology is in place.

**The Chair:**

I would rather build a Coke Works than a ballpark as far as I am concerned.

**Mr. O'Connor:**

They know how to keep the plant running. We urge the LTV executives to come down and listen to the workers who have maintained that plant for the last 80 years and they know every corner in it and they know how to do it. I hope LTV will pay attention to them.

**MR UDIN PRESENTS:**

No. 2345                      WHEREAS, on Sunday, September 28, 1997 Pilgrim Baptist Church will celebrate its 71<sup>st</sup> anniversary and;



WHEREAS, the Pilgrim Baptist Church history began in 1926. The church was envisioned at a meeting held on Warlo Street located on the North Side. Members suggested that they should rent a storefront to hold future meetings. All the members in attendance agreed and a store front on Beaver Avenue was rented; this became the first established Pilgrim Baptist Church and;

WHEREAS, Pilgrim Baptist Church struggled through its early years. However, through the unrelenting faith in God and their sacrifice and determination the Congregation of Pilgrim moved into their present house of worship on Chateau and Juniata Streets and;

WHEREAS, under the leadership of Reverend W.M. Pulliam the church prospered and many souls were saved: Reverend Pulliam was called home after suffering a long illness. In 1963, Reverend Jessie L. McFarland was called to Pastor. He remained for a short time. During his stay, office machines and furniture was purchased. In 1963, Reverend Robert McCoy accepted the call to Pastor. Under his leadership, the Sanctuary was painted and a parsonage was purchased and;

WHEREAS, in 1967 the present pastor Reverend Dr. Wilson T. Hill, accepted the call as Pastor and leader of the church. Under his leadership, he has led Pilgrim to great spiritual heights and growth. The Alter was rebuilt, purchased a organ, paid off the parsonage mortgage, remodeled the dining room and kitchen, purchased new pews, carpeting, installed a lounge, new lighting fixtures for the Sanctuary and in addition the Fellowship Hall was

dedicated in memory of the Founder, the late Reverend W.M. Pulliam and;

WHEREAS, the church family of Pilgrim Baptist church are proud of the many accomplishments under our Pastor Reverend Dr. W.T. Hill and we are especially proud of his work and affiliations in our Baptist Denomination Local, State and national.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates and commends Pilgrim Baptist Church for its 71 years of outstanding accomplishments and invaluable support to the community.

Also,

No. 2346 WHEREAS, Carlow College established the Women of Spirit program in 1993 as a way to showcase the many outstanding Pittsburgh area women who have taken leadership roles in many aspects of life. The women honored are pioneers in business, dedicated contributors to worthy causes; and

WHEREAS, the Fifty-two women honored to date comprise a very diverse group. Their one common trait is a life that exemplifies the Carlow mission, which has always been to foster women's intellect and inner strength so they can become self-directed, lifelong learners who render competent and compassionate service in their personal and professional lives; and

WHEREAS, the phrase "Women of Spirit" was chosen as a tribute to the spirit of Carlow's founding women—the Sisters of Mercy; and

WHEREAS, throughout the year, one woman is honored each month via TV and radio commercials and press releases, as well as, an award's ceremony, and each fall, all of the Women of Spirit for that year are honored collectively at a formal gala; and

WHEREAS, these annual events have helped raise more than 300,000 in scholarship and technology funds for Carlow. Women of Spirit alumnae, include veteran TV anchor Patti Burns, former Mayor Sophie Masloff and Dr. Velma Scantlebury, one of two African-American female transplant surgeons in the world and;

WHEREAS, last year, Carlow expanded the program to include Students of Spirit, who also exemplify the traits within Carlow's mission. By pairing these top Carlow students with a Woman of Spirit, these students get a chance to meet and befriend exceptional role models. Last October the Woman of Spirit program expanded again—by honoring national actress and producer Marlo Thomas; and

WHEREAS, the 1996-97 Women of Spirit honorees are: Beth Berkebile, Joan Brest Friedberg, Elizabeth Segel, Jeanne Caliguiri, Kate Ford Elliot, Lois Dabney Smith, Ph.D., Michele O'Leary, RSM, Lucile Rawson, Mary Molyneaux, Sandra McLaughlin, Kay Snyder, Dorothy Davis, Karen Wolk Feinstein; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the honorees for a job well done and wish them even greater success in the future.

**THE CHAIR** moved to adopt the resolutions.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**The Chair:**

Moving on to presentation of papers.

**MR. CUSICK PRESENTED:**

No. 2347 Resolution Authorizing the issuance of a warrant in favor of Werner Chepelsky & Partners, Inc. in the amount of \$10,000 in payment for the production of the "Look At Us Now" video and commercial, for the benefit of the City of Pittsburgh without previous authority of law; and providing for the payment thereof, chargeable to and payable from Index 180901, Account 525500. Fund 1000, Organization 520000, Subclass 150, Year 1997, in the Department of Parks and Recreation.

No. 2348 Resolution providing for the transfer of the amount of Four Hundred Thousand Dollars (\$400,000.00) from SSFSP, Special Summer Food Service Program Trust Fund, in the Department of Parks and Recreation, Index 270256, Account 581140, Fund 2855, Organization 521220, Subclass 600, Budget Year 1997 to Code 45, Health/Life Insurance-Municipal Employees, Department of Finance, Index 004507, Account 571100, Fund 1000, Organization 999200, Subclass 040, Budget Year 1997.

No. 2349 Resolution providing for the transfer of the amount of One Hundred Twenty Thousand Dollars (\$120,000.00)

from SSFSP, Special Summer Food Service Program Trust Fund, Index 270256, Account 581120, Fund 2855, Organization 521220, Sub-Class 600, Budget Year 1997 to Code Senior Citizens Program Trust Fund, Index 254250, Account 491120, Fund 2850, Organization 530000, Sub-Class, 600, Budget Year 1997, all in the Department of Parks and Recreation.

Which were read and referred to the Committee on Finance and Budget.

No. 2350 Authorizing the Department of Parks and Recreation to enter into an agreement with the West End Elliott Athletic Association in an amount not to exceed Fifteen Thousand (\$15,000.00) Dollars for expenses incurred by the Association, chargeable to and payable from the West End Athletic Association, Organization 500000, Fund 2610, Subclass C1997, Project G221428, Year 1997.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

**MR. HERTZBERG PRESENTED:**

No. 2351 Resolution directing the Cable Communications Advisory Committee to elect a franchise renewal representative. (SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Lands, Buildings and Procurement.

**MR. HERTZBERG** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar

day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

Can we make sure that the appropriate individuals are at the table tomorrow?

**Mr. Hertzberg:**

Mr. President, my intention is just to hold it tomorrow until the Cable Communications Advisory Committee can make a recommendation to us on that, so we won't even need to discuss it tomorrow.

**MS. MCDONALD PRESENTED:**

No. 2352 Resolution Amending Resolution No. 29, effective 2/7/97 as amended by Resolution No. 106, effective 3/21/97, as amended by Resolution No. 301 effective 6/6/97, as amended by Resolution No. 503, effective 8/11/97, entitled: "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1997 Community Development Block Grant Program; so as to transfer \$350,000.00 from the Department of Parks and Recreation (Housing Authority Recreational Program and Senior Program) to the Housing Authority of Pittsburgh (Central Relocation Agency) and further transferring funds (\$15,700.00) from City Council (Arsenal and West Penn

Fields) to the Department of Engineering and Construction (Sullivan Field) and further transferring funds (\$15,000.00) from Mayor's Office (Senior Center Equipment) to the Department of Parks and Recreation (West End Athletic Association).

No. 2353 Resolution Authorizing a 1997 Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer of funds from the Authority to the City to fund community development corporations, pursuant to which the Urban Redevelopment Authority of Pittsburgh will transfer \$61,337.10 to the City of Pittsburgh to be used by the Department of City Planning to fund community development corporations. Said funds will be deposited in the Community Based Organizations Trust Fund.

No. 2354 Resolution Authorizing a 1997-1998 Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the designation of the local matching share for a grant applied for in a Single Application for Assistance filed with the Pennsylvania Department of Community and Economic Development ("DCED"). in the amount of \$3,115,000 with DCED for the Housing Recovery Program, Neighborhood Housing Program, Community Development Investment Fund, Pittsburgh Housing Construction Fund, Urban Development Fund and Streetface and Industrial Site Acquisition and Improvement Programs; and

No. 2355 Resolution Authorizing the Mayor, on behalf of the City of Pittsburgh, to file an application with the

Environmental Protection Agency for a \$350,000 Brownfield's Cleanup Revolving Loan Fund Grant, to execute a Cooperative Funding Agreement or Agreements with the EPA, and designating Urban Redevelopment Authority of Pittsburgh as the City's agent for implementation of the activities set forth in the application

No. 2356 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an Application for Financial Assistance in the amount of \$3,115,000 to the Commonwealth of Pennsylvania Department of Community and Economic Development for the Housing Recovery Program, Neighborhood Housing Program Community Development Investment Fund, Pittsburgh Housing Construction Fund, Urban Development Fund, Streetface and Industrial Site Acquisition and Improvements Projects.

No. 2357 Resolution Approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Cross Town Builders for the sale of Parcels 9, 10, 11, 12 and 13 (Block 9S Lots 79-104 and 117-143) in the Third Ward of the City of Pittsburgh in Redevelopment Area No. 31, 1601-1723 Webster Avenue, 17-19 Mercer Street, 33-51 Manilla Way and 1705-1709 Roberts Street, Council District No. 6 (residential construction).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. O'CONNOR PRESENTED:**

No. 2358 Resolution Transferring \$500.00 from Rent-Equipment, Acct. 560500, Fund 1000, Org. 301000, Sub-Class 100, Budget Year 1997, \$500.00 from Utilities-Elec, Acct. 568100, Fund 1000, Org 301000, Sub-Class 150, Budget Year 1997 and \$2,700.00 from Misc. Services-Misc., Acct. 525500, Fund 1000, Org. 301000, Sub-Class 150, Budget Year 1997 (an aggregate sum of \$3,700.00) to Supplies-Traffic, Acct. 534500, Fund 1000, Org 301000, Sub-Class 100, Budget Year 1997.

Which was read and referred to the Committee on Finance and Budget.

No. 2359 Providing for a Contract or Contracts, or use of existing Contracts, and/or an Agreement or Agreements, or use of existing Agreements for the renovations to the City-County Building and for the purchase of equipment and supplies for said projects; and providing for the payment of the costs thereof. not to exceed \$325,000.00 chargeable to and payable from the following; Account 600000, Fund 5100, Org. 301000, \$250,000.00, Sub-Class PGHPR, Budget Year 1996, Project/Grant 2225555 and Account 600000, Fund 5100, Org. 301000, \$ 75,000.00, Sub-Class PGHPR, Budget Year 1997, Project/Grant 2225555.

Which was read and referred to the Committee on Engineering and Construction.

**MR. RICCIARDI PRESENTED:**

No. 2360 Resolution directing the Director of Engineering and Construction to petition Penn Dot to remove parking signs which restrict parking during certain hours on Forbes Avenue from Craft Avenue to Bigelow

Boulevard. The removal of the parking signs will be effective for a 90 day trial period at which time the Departments of Engineering and Construction and City Planning and the Public Parking Authority will conduct a study of the effects of the sign removal. **(SPONSORED BY MR. RICCIARDI)**

No. 2361 Resolution changing the name of Eighth Street between Liberty and Penn Avenues to Tito Way located in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. RICCIARDI** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**MR. UDIN PRESENTED:**

No. 2362 Resolution Providing for the issuance of a \$2,840.00 warrant in favor of Thomas Berger, owner agent for Hazelwood Towers Associated, in settlement of a claim for sidewalk damage due to City tree roots, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2363 Resolution Providing for the issuance of a \$1,598.63 warrant in favor of Janet Lester in settlement of a

claim for an incident in which the claimant's vehicle was hit by a City vehicle, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2364 Resolution Providing for the transfer of funds totaling One Million One Hundred Sixty Seven Thousand and Eight Hundred (\$1,167,800) Dollars from various Code Accounts within the Department of Finance and the Department of Law to other various Code Accounts within the Department of Finance.

No. 2365 Resolution Providing for new and/or existing Agreement(s) and/or Contract(s) for the provision of analysis, design, development, programming, and/or training services in conjunction with the feasibility, development, enhancement or implementation of the Early Warning System in conjunction with the Consent Decree and providing for the payment of the costs thereof. not to exceed Five Hundred Thousand Dollars (\$500,000), chargeable to and payable from Index Code 104505, Account 542700, Organization 103000, Sub-class 120, Budget Year 1997 and for the payment of the costs thereof.

Which were read and referred to the Committee on Finance and Budget.

**THE CHAIR PRESENTED:**

No. 2366 An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 161, Contracts, Section 161.02, Competitive Bidding, Exceptions, Section 161.05, Specifications and Section 161.16, Required Provisions in Contracts, to prevent the purchase, lease, rental or

taking on consignment, any goods or products made under sweatshop conditions. (SPONOSRED BY MR. FERLO)

**THE CHAIR** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MR. RICCIARDI** moved to adopt.

**THE CHAIR** seconded the motion.

Which the motion prevailed.

Also,

No. 2369 Ordinance Amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, Article I, Administration, Chapter 903, Definitions, Section 903.02 Specific Definitions, by amending the definition of "Family" and by creating a definition for "Family Residential Facilities for Persons with Disabilities" in subsection 903.02(f).

No. 2370 Ordinance Amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, Article III, Districts and District Regulations, Chapters 927, 929, 931, 932, 933, 934, 937, and 941 to allow "Family Residential Facilities for Handicapped Persons" as permitted uses in residential districts.

No. 2371 Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by amending Article I, Administration, Chapter 903, Definitions, to amend the definition of "Family" and to make a definition for "Community Home;" amending Article I, Administration,

Chapter 909, Board of Adjustment to add "Family Community Home" as a special use exception; and amending Article III, Districts and District Regulations, Chapters 927, 929, 931, 933, 934, 937, 941, 971 and 975 to add "Family Community Home" as permitted uses in certain residential district.

Which were read and referred to the Committee on Planning, Zoning and Land Use.

(Rules were suspended to introduce the bills at the Committee Meeting of September 24, 1997, in order to be on the agenda.)

**The Chair:**

Thank you. I would ask my colleagues to please permit me the privilege of allowing our representative of the AFL-CIO to come to the table tomorrow to briefly discuss the bill, if you feel it is appropriate.

**UNFINISHED BUSINESS**

**Mr. Hertzberg:**

Thank you, Mr. President. Under unfinished business, I just want to bring back for a minute, if I might, Bill No. 1650 that we passed on July 22, 1997 after a Public Hearing. After a lot of debate and the title of course is Historic Preservation, because something after watching that terrible football game last night, I woke up this morning and got yet another aggravating thing happening to me. Picking up this morning's Pittsburgh Post Gazette I read about a dilapidated house on Steuben Street that was just nominated as a historic landmark.

You may or may not recall some of the reports on this house, but there was an elderly lady who lived there and the our Bureau of Building Inspection was in the process of condemning this home, when a vehicle drove off of Steuben Street and knocked the front porch off the home, making it even more of a crises situation. With assistance from a Local Business Organization, the porch was put back onto the house and communications with the occupant were difficult, but again the business organization in the West End stepped in and opened the lines of communication. Ultimately, the occupant was moved out and as soon as she was moved out, without any consultation with either the Neighborhood Business Group, particularly the business that did the work on this woman's home to allow her to get out who are strongly opposed to the West End being designated as a Historic District, and without any consultation with our other organization there, West End Allied Joint Project and of course without any consultation with the Councilman in the District, this particular house, and I hope you will have a chance to look at it, in the picture in this morning Post Gazette in black and white really doesn't do the dilapidated condition of this house any justice. It looks even worse when you go by it then it does in this picture.

But at any rate, apparently an individual from Mt. Lebanon wanted to nominate it and after the changes in the legislation that I think some Council members thought was a compromise, requiring that a City resident nominate it, the individual from Mt. Lebanon found a City resident willing to nominate the house and now the house has been nominated and now our Bureau of Building

Inspection has to deal with all the problems related to putting it through that process when the place was going to be condemned, it was going to be torn down, it is in terrible physical condition, so again I will just ask members of Council to please reconsider. There is a particular part of that Bill that dealt with the nomination process, who could nominate and a lot of people said to me, you know your tilting at windmills. What is the problem here, well this is the problem, guys, and gals.

**Mr. Onorato:**

Yes, Mr. President. I can tell by your expression you will have a follow up after my comments but I couldn't agree with you more, Mr. Hertzberg. As you know I chaired that Sub-Committee hearing that drafted that piece of legislation that turned out to be a farce. That is why, if you recall, I voted no on the amendments on. I voted no on the final bill. And, I think this shows why I said we really didn't do anything but reshuffle the deck and it is very unfortunate because there are properties that deserve historic designation in this City. But when you get individuals that do something like this, it ruins and taints the entire process. This individual really has taken the process and abused it. I have been over there. I saw the house. There is no reason why this house should be designated.

If you read the article, they try to convince you by showing you the date, I think it was 1875. But, that cannot be the only criteria to designate a property just because of the date of construction.

**The Chair:**

No it is not.

**Mr. Onorato:**

But I have a few rocks in my back yard that are a little older than that. You can't designate the rocks just based on age I would hope. This is bizarre, it is outrageous, and Councilman, anything you want to do to introduce pieces of legislation to expedite it to get this thing demolished, you have my full support. We have to show certain individuals they can't use the Code for issues that have nothing to do with the actual purpose of why it was put into the Code. I would hope that we put an end to this. I am glad you brought it up. This is outrageous. This is another example of why people want to stay away from the City because of people's actions that really discourage any types of development here, because the intent of the piece of legislation for Historic designation is definitely not be followed here. I don't know what this individual had in mind, but whatever we can do to expedite this and I hope the Historical Review Commission doesn't plan on having 20 hearings or something to delay this. Let's just get the bulldozers over there and tear the thing down as soon as possible. Thank you.

**The Chair:**

All right. Any other discussion on any other matter to be brought before the body?

**Mr. O'Connor:**

What were the criteria's? Did George Washington sleep there? What was -- just because it is old?

**Mr. Hertzberg:**



Also, to my knowledge and this is of course second hand, the owner would oppose this.

**Mr. O'Connor:**

But there is no historic value that you know of?

**Mr. Hertzberg:**

It is old, I don't know. No.

**The Chair:**

Do we really want to carry on this debate at this point?

**Mr. Cohen:**

I have one sentence. I will be very brief.

**The Chair:**

We can get into the historic ordinance, but I think that is unfortunate. We want to get into a lengthy debate about it, we can, but I think

**Mr. Cohen:**

No, but I also don't want a misimpression to be carried across the airways to the people of Pittsburgh and that is that this house has been designated Historic by the City of Pittsburgh. That is the impression that I think some people are getting from this conversation. Councilman Hertzberg and Onorato I think have a good point. Especially looking at that picture, however, nominating the property is very different from having that property designated historic. Anybody can

nominate the property. It has to jump over several hurdles before it is actually made historic. I just want to make that point.

**Mr. Hertzberg:**

The picture doesn't do it justice.

**The Chair:**

Any other discussion?

**THE CHAIR PRESENTS:**

Bill No. 2338:

A resolution appointing Edward Wunderly as a member of the Board of Standards and Appeals, term to expire September 30, 1998.

Which was read.

**The Chair:**

Any discussion on the appointment of Mr. Wunderly who seemed pretty wonderful? Any discussion?

All in favor of the appointment?

Which motion prevailed.

We want to thank him for volunteering his time on the Board of Standard and Appeals.

That concludes our unfinished business and Reports of Special Committees. Any matter - any other matter? Moving to reports of Committees.

**REPORTS OF COMMITTEES**

**MR UDIN PRESENTED:**

Bill 2367:

Report of the Committee on Finance and Budget for September 17, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2293:

Resolution authorizing the issuance of a warrant in favor of Geyer Printing Company in the amount of \$22,118 in payment for the printing of Parks and Recreation summer magazine for the benefit of the City of Pittsburgh residents.

Which was read.

Also,

Bill No. 2294:

Resolution transferring the amount of \$250,000 from various code accounts within the Department of Public Works to other code accounts within the Department of Public Works.

Which was read.

Also,

Bill No. 2295:

Resolution providing for the issuance of a \$1,452 warrant in favor of Thomas Runco in settlement of claim for an accident involving the City vehicle.

Which was read.

Also,

Bill No. 2296:

Resolution creating a special trust fund to be designated as the Under Age Drinking Prevention Trust Fund.

Which was read.

Also,

Bill No. 2297:

Resolution providing for the filing of a petition for the sale of certain properties acquired at tax sales in accordance with Act 171 of 1984 Second Class City Treasurers Sale and Collection Act.

Which was read.

Also,

Bill No. 2298:

Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act 171 of 1984 entitled Second Class City Treasurers Sale and Collection Act.

Which was read.

**Mr. Hertzberg:**

On Bill 2294 I would like to have my comments brought forward which related to the fact that there are sufficient funds remaining in the Public Works Rental of Equipment Account to do some special road work on a steep road in Mt. Washington.

**(See Addendum)**

**The Chair:**

Thank you, Councilman.

Any other discussion?

Director Kraszewski did send a follow up memo on that bill further clarifying the various expenditures as requested and we want to thank him.

Any other discussion on any other bills?

**Mr. Udin:**

Just a small point if I may, Mr. President. Again, to remind the directors that when we ask for follow up information at the Standing Committee on Wednesday, it is most helpful if we get that information before the day that we have to vote on the legislation. At some point I think we just have to put our foot down and tell people if we don't get the information before Friday then we are not going to consider it on Tuesday. But this practice on getting us the information on Monday or Tuesday morning, I think is really very inconsiderate.

**The Chair:**

Any other discussion?

Hearing none, if you are in favor of the bills, please vote aye when your names are called, if you are opposed, vote no. Will the clerk please call the role?

The ayes and noes were taken agreeably to law, and were:

**Ayes:**

Mr. Cohen  
Mr. Hertzberg  
Mr. O'Connor  
Mr. Ricciardi

Mr. Cusick  
Ms. McDonald  
Mr. Onorato  
Mr. Udin  
Mr. Ferlo

(Pres't)

(Mr. Onorato and Mr. Ferlo voted noe on Bill 2293, Mr. Udin voted noe on Bill 2294)

All of the bills having received the legally required number of votes have been approved, finally.

**The Chair:**

That concludes our Reports of Committees moving to Motions and Resolutions.

**MOTIONS AND RESOLUTIONS**

**The Chair:**

Are there any matters to be brought before the body?

**Mr. Onorato:**

Mr. President, thank you. By now all of my colleagues have heard about the incident up in Brighton Heights the destruction of the playground. Real quick, I just want to summarize what happened, where it stands and where we are going. This was one of the first playgrounds, new playgrounds to be built. This was not an old one. It was renovated. It was a new one. It was in about a year and a half. That was it. Total cost of construction was \$150,000. At least half of it is destroyed if not more. They are assessing it as we speak. I want to thank the community of Brighton Heights. The Brighton Heights is

the federation, Friends of the Park, because we now have a reward of up to \$2,350 for any information leading to the arrest and conviction. I want to stress that, arrest and conviction of the individual or individuals responsible for the destruction up there. It appears over the last twenty-four hours with all the media exposure with the reward, there have been several tips given to Zone 1, I understand they are pretty strong tips that were given to Zone 1. I believe that we will have an arrest shortly. But I think the bigger issue here for all of us is that this is the critical point in the City of Pittsburgh. We are at a critical cross roads. We must now show that we are not going to tolerate it. Let's use this park as an example. Whoever did this must be brought to justice and must be brought to justice publicly and we must show that we are not going to tolerate it.

I will be introducing a piece of legislation if I have to, if I can't get the cooperation, or if we can't physically do it downstairs. When the individual is arrested and convicted, I want to make sure that this City also gets in line for proper restitution. If it is a juvenile, I want to make sure that we go to the parent or legal guardian. If it is a legal adult, we obviously can go after the individual. I know the critics out there say, well, watch the person might not have any money. But everyone has earning capacity. There has to be a way that we got to hold these people responsible. If we do not, if we do not do this, we are opening up every one of our playgrounds for - I'm going to call - This isn't the only vandalism, this is more like urban terrorism. This was massive destruction on \$150,000 playground. This wasn't a spray can of paint where someone wrote their name on it. This was dangerous. We have Public

Works right now trying to figure out how to remove this as soon as possible because of all the equipment just hanging there and the danger it imposes to the children, because it is several levels and there is no safety guards anymore on the sides. It is just dripping with medal and steel. We have to be able to protect this.

I refuse to let vandals or these terrorists, or whatever you want to call this, terrorists dictate to us what the City is going to look like. We have 169 playgrounds under construction or ready for construction over the next three years, we have a lot of dollars invested here. I believe that we can send a very strong signal here. I am going to look at this as an opportunity right now to let the entire community know. My office has been receiving calls from people in the City and outside of the City that want to help donating money for the reward, but also I am certainly receiving calls possibly for raising money to help renovate it. One of the things I am trying to do with this week is by the end of the week possibly be able to announce a renovation or reconstruction of the park. I am going to see if we can do something with the private sector. I don't have any details right now. We have phone calls out there hopefully we can raise some money because I think it is important that we show that we will rebuild this and we won't let this sit around. But at the same time, I am a realist. There is a lot of other parks that have been on the agenda that have to be renovated. I don't want to interfere with that schedule and I don't want to take money from any other park. What I want to do though is try to be creative, working with the administration, working with the private sector to come up with a way to

have this park renovated at least by next spring at the latest if not sooner.

But when we hear of any of the information of an arrest, and follows through to courts, I think it is important, and I am going to be packing the court room with the residents because the Judges have to realize, if this is a juvenile, you can't slap the individual on the wrist anymore.

We had, you might recall, about three months ago an attack of graffiti through Brighton Heights. They attacked all of the War Memorials in Legion Park, I introduced a bill and we put \$200,000 with the support of Council unanimously into the Graffiti Buster Trust Fund to start cleaning these memorials. They were a bunch of juveniles. We are trying to find out what happened with those individuals, what was the punishment. Was there restitution ever followed through because we were told that we were supposed to get restitution. I am going to follow that through with what happened here. I can tell you if there is any relationship to two incidents or if there wasn't a proper punishment from the Court systems, we should expose them. We are on the front line of all the problems of society, our necks are out there, and we are fighting to deal with the issues. If we keep on fighting just to have the judicial system open the door, the back door, to let the individual run out, and redo it again, the residents are getting fed up. I'm getting fed up. Enough is enough. This was not some prank; this was massive destruction of property the person must pay. And must pay publicly. I will do whatever I can to make sure that happens. This individual or individuals they will become examples

of what happens when you attack the City of Pittsburgh and our parks. Thank you.

**Mr. Cohen:**

On this issue. I agree with Councilman Onorato. It is just despicable that a person or persons would ruin in a single act a playground for an entire neighborhood. Let's not forget the time, the commitment, the energy, the money, and the sweat that went into this whole program for a comprehensive, City wide playground safety program. This Council passed legislation I think it was in 1993 for comprehensive playground legislative as a model really for the United States. It was one of the first pieces of legislation for playground safety that passed a local legislature. Then when Mayor Murphy came in, thought this was an important issue and committed \$9.3 million at a time when the City has a serious budget deficit, still has it, but thought that this was so important for our children that committed \$9.3 million. This Council then in a very difficult vote, frankly, committed that money for this program and a program to renovate 169 playgrounds, as Councilman Onorato said, and to build some new playgrounds, and for these punks to try to burn down this playground, in the face of that City wide commitment, is truly despicable and needs to be severely punished, and so that if anybody else has a thought to do this type of vandalism, to do this kind of destruction, then they need to think again.

So, Councilman, I whole-heartedly support you in your efforts. I would like to be there in court as well, and make sure that they find the people that did this terrible act and punish them.

**Mr. O'Connor:**

A lot has been said and I agree with everything said. We the City and all the neighborhoods put a lot of effort into putting new parks all over, playgrounds, all over our City, but I think we have to start setting some ground rules. I don't think the Police and neighbors are paying enough attention to the wrong element, I might say. Whether it be teenagers, older drinkers, whatever, hanging out in the parks. I just came from two community meetings last week and one of the biggest problems we are -- no one is doing anything about the drinking in the parks, especially ten, eleven o'clock at night, and it is not six packs anymore. One of the parks I was at they were talking about carrying kegs into a park. This kind—it is going to be on Friday and Saturday night, and this happened to happen on a Saturday night.

Where I think our neighbors and our COP need to start paying a lot of attention. We should not let that go on. For the public out there, when we built Davis Playground, the first weekend it was open someone tried to burn the Astroturf. A lawyer friend of mine watched with their child and told me about it the next day. But she didn't call 911. She said, oh, I thought that was only for emergencies. Well, folks, the police are riding around, we have a great police force, but they need your help. Call 911 and also one of the problems we had at one of parks is the wrong element. When I say wrong element, teenagers whether they be 14, 15 jumping around acting like goofs when somebody wants to have their two, three year old on swing.

These are kind of the ground rules I think that COP has to come in and help. Neighbors can't be chasing kids around all day, but I would ask the COP's to spend a lot more time in those parks in the daytime or after school and especially on Friday and Saturday night. There is only -- they are the two nights the kids are going to do the wrong thing, we will never stop—I'm not saying you are going to eliminate beer drinking, but it should not happen in our parks where we know it, the next morning we have broken glass, no one is doing anything about it, it is unsafe. I think the problem can resolve very easily if we put a

I am on a citizen's patrol and I tell you what, they don't drink at our parks anymore in Squirrel Hill, especially on Friday nights. I go right in there with my lights on, and they just disappear. I would ask the neighbors and the police force to pay a lot more attention to these -- anywhere I think the lowest cost is \$200,000. These tot lots, we just opened a new one in Hammer Field. The Mayor and I both stressed to the neighborhood if you see anything wrong, please call 911, we want to protect these parks. This is a \$9 million investment and it is only going to take a few jerks but the only way to stop it is for everyone to keep their eyes and ears open.

**Mr. Onorato:**

Mr. President, on that point, I did want to say I forgot, we already scheduled as a result of this, October 20<sup>th</sup> at John Morrow Grade School, we are putting together a Citizen Patrol not just for this particular playground, but a Citizen Patrol to cover Marmaduke Park and also the new \$350,000 playground that just opened up in Riverview Park as a super playground. So that meeting is already

scheduled. We are going to have people there. We are going to bring people in from the other parts of the City that have already done it to cover it. But a point on COP, we need to keep in mind, this particular playground, this is one of those neighborhoods that is very large geographically, the COP's district has four of the new parks in his district. So, there is no way he can have — this one COP be at everyone. But the Citizen's Patrol can fill the gap and that is why we are going to be doing that within a month.

**Mr. Ricciardi:**

Thank you, Mr. President. I have little to add now. I just want to say that I understand and appreciate the frustration of the anger of Mr. Onorato. I know Friday evening we had a ribbon cutting in the South Side at Ormsby, and I just can't imagine if that the destruction would have occurred over the weekend, the frustration I would have felt. Let me say this, it is very clear that we need to make an example of this individual/ individuals, so that people realize that if you destroy City or private property, that the City will come down very hard on you. But as stated by Mr. Onorato and Mr. O'Connor in the years past, I think we have made — when we have park police, maybe we need to readdress that issue and make sure our police officers realize that some of these parks have become not only prone to vandalism but a place to loaf out and cause a nuisance for the rest of the neighborhood. Maybe the zones have to begin to pay particular, more particular attention to our parks in terms of, it is eleven p.m., and you should be out of the parks. Obviously there should not be drinking in the parks, any type of

vandalism, maybe we have to address that issue.

Again, I have very little to add. Just that I appreciate the leadership that Mr. Onorato is showing on this. If there is a bright point, and that is that we now have to realize that we have to proactive, protect that \$10 million investment we have out there, show this individual or individuals that this is not a game. Let me just say, this is something new I wanted to add. I remember back in the '80's when the South Side experienced an arsonist. This is what is occurred here, this isn't a prank that this individual is, probably a sick individual/sick individuals, and we now have to be aware that we have very dangerous individuals out there that could become an arsonist. So let me say the South Side experience back in the '80's and we have to move on it as swiftly as we can. Thank you.

**Mr. Cusick:**

I don't want to keep going on about it. I think that the Council should probably rally around Councilman Onorato and offer any support that we can to get this playground back on track. I think there is — we all have probably different connections within the City to help maybe raise the money. We should also get our director and the Mayor on board and see how quickly we could change the look of what these young individuals or whoever did this to this property, quickly as possible.

One other point that Councilman Ricciardi makes, and I think it is a good point, and that if you go up to our parks any one of our parks there is no signage that says that the park is closed after a

certain hour. That is something that we should very much consider and following up with the police. After a certain hour in the evening that our police are able to arrest these individuals for trespassing on our property also, that is something that we need to consider bringing Public Safety together with Council and discussing in the real near future. Because we all know how many millions of dollars we have spent to bring our parks up to par and up to the safety that they should be up to. So, I would hope that Council, with your help, Mr. President, that we could set some type of Post Agenda in the near future to address just that issue. I mean this is the time we do it. We don't have to wait until another playground is destroyed. We have put too much time, too much work into seeing that our children have the very best and they do have the very best and for it to be destroyed this way, I think we would only be irresponsible for us not to act now. This is a very tragic situation. Like Mr. Ricciardi said, I could not imagine going to Brookline Community Center seeing something like this. Just two months ago having dedicated such a beautiful, beautiful park to people that worked very, very hard and give there tax dollars for just these things. This is a travesty. Also, Councilman Ferlo does a number of things throughout the year with safety helmets. I know that working with him and trying to find donations has been difficult for you, but I think that the corporate community and the private sector are going to be willing to chip in on this particular incident. This is real bad, this is real bad on our every community here in the City, I mean it just doesn't look good for us that we are not watching over what we perceive to be the most important part of our City and our kids.

#### **Mr. Hertzberg:**

Thank you, Mr. President. I want to extend my condolences really to Councilman Onorato, particularly with respect to his children. I view them as victims here. Watching a lot of ribbon cuttings and just the pleasure in the expressions on the children when they get this new play equipment and then to watch in the days and months that have followed these ribbon cuttings to see how many kids are there enjoying this equipment. Now to have the children of Brighton Heights, their pleasure interrupted like this, I really feel they are victims. Again, I extend my sympathies and anything I can do and this Council can do, I am sure we will do it to help. I also hope that if these are some young individuals and they are ultimately caught, that they won't be looked upon by their peers as having done something that is real cool which unfortunately sometimes happens in some communities where you have individuals that shoot someone and there looked at as being a tough guy when really it is just the opposite, they are cowards. I really hope that what will happen here with these individuals is that their peers instead of elevating them will condemn them and ostracize them and make them the worst people in the community that they really are.

#### **The Chair:**

Again, I think all of us have said we need to rally around Councilman Onorato in this whole issue. I was watching the news the other night when it came on, it is a heart wrenching experience to see the damage that occurred the other night. If we have any silver lining, we are going to have to use this situation, this tragedy, to try to pull



together and make a much clearer statement about what we are not going to allow and not going to tolerate. I think as Councilman Cusick stated, we really need a Post Agenda Meeting because some of the issues that have come up now in terms of general security and signage, the issue of how these new playgrounds that we are building are going to be maintained, including when graffiti is placed on them, and needs to be removed quickly. I think there are issues of lighting, and some of the locational issues of some of these — location of some of these playgrounds is such that they need a little extra measure of some type of security or patrol by either the COP or the Zone Squad or even the citizenry. I think we need to have a Post Agenda Meeting with Parks personnel and our chief, and police and others that are directly involved, Mike Gable and others.

Having worked on an awful lot of playground projects myself in my District over the last many years, including constructing some playgrounds, like the super playground in Highland Park, it is just heart wrenching, and we have to stand very strong on this issue because we need to collectively say and Councilman Onorato's already done it to the community and to the children of Brighton Heights area, that we stand united making sure that we will reconstruct a brand new playground. Now if we can generate some foundation, other private dollars given the tragedy that is great, but I think we got to assure the kids and the parents and the families that a few knuckleheads are not going to you know going to create a situation where they can no longer benefit from the beauty of the children's play areas. I think we have to issue a strong statement with the Mayor through Councilman Onorato that one way or

another, we will replace that playground for the residence in that area.

I would like to add to the pot, I am going to contribute \$500 to add to the \$2,100 reward that Councilman Onorato has announced to the Crime Stoppers because I think it is very important that the individual or individuals be brought forward and properly prosecuted.

Councilman Onorato's point about going before the juvenile judge, if they are juveniles, we don't know that they are necessarily, that we make sure that we have a community in presence as well as our Law Department and to the extent that there are financial resources or money to be gotten, we should get that money back and put it into the trust funds for renovation of this playground. But we need to be vigilant from the beginning to the end of this battle. I would like to add to the pot of the reward, I am sure Councilman Onorato has put out information about calling Crime Stoppers. I believe that there are people in the community that probably know, my experience having worked on graffiti and other problems in other neighborhoods, my experience has been that usually you know people in the neighborhood will know who the perpetrators are. We should be able to get this information. We need to act quickly, decisively, almost treat this like a homicide. Bring the individuals through the court system.

But I think we need to stand united and make it clear to the community that one way or the other we will restore the beauty and the atmosphere that this park provided to the kids in the neighborhood. But I think the Post Agenda Meeting is important because this could have

happened to any one of our neighborhood parks including the new ones that we are building to the tune of millions of dollars. So we need to talk about the presence of the COP officers. I will pick an example, Leslie Park in Lawrenceville, there were liquor bottles there. Now, they were there, those individuals that were they're drinking in that park were not there for ten minutes, they were there for hours on end. You have smashed liquor bottles. Now that is a park that we are going to be doing major playground renovation to the tune of \$160,000 this spring. Now, that brings the question, did anybody in the neighborhood see the young people drinking whiskey in the park during the middle of the night? Was the Zone called? Was 911 called? Again, it goes back to the issue of the effectiveness of COP making the rounds unlike Councilman Onorato saying there are four different parks and one COP string. In Lawrenceville within that neighborhood we have the benefit of three separate COP officers in the different parts of the Lawrenceville Community, so brings the question, is this part of the systemic patrol on their part proactive? So, I look forward to having the Post Agenda Meeting. I think we need to increase the reward including City Council, make it clear to the neighborhood one way or another, we will rebuild this park, we will prosecute to the hilt, and we will better coordinate a response in the future so that this does not happen in some of our other neighborhood parks.

Any other comments from Council?

**Mr. O'Connor:**

I will put a plug in for the Squirrel Hill Citizens Patrol. It started about a little

over two years ago. For any other communities, I know Mr. Onorato's going to be meeting with some of them. We have four nights a week we have at least two cars, as many as four cars, go out with radios and on our check list every night is the parks. Anderson Playground, we added lights, it is really -- we don't make arrests or anything like that, but we are the eyes and ears for the police officers and I -- just thinking back from when I started over two years ago, every night you were chasing youngsters out of these parks drinking. This summer and the last couple of weeks, I haven't seen hardly any. So, it is almost boring now. We put lights in Anderson Playground; we checked it every hour, especially on Friday and Saturday nights. This is something other communities may want to get involved in. Because again, the police are out there, but they have priorities besides checking parks all day. We assist them so I might encourage any neighborhood that wants to get involved with that. It has worked very well in our neighborhood.

**The Chair:**

Councilman Onorato could you explain the reward situation on where people would call if --

**Mr. Onorato:**

Yes. Right now, actually the reward is up to with your \$500, \$2,850, and that is made up of the following: \$500 from the Friends of the Park, \$1,500 from my Council allocation, \$100 from me, \$250 from the Brighton Heights Citizens Federation. What we are doing for the reward, for anybody's information, we are calling directly to Zone 1. But if -- I don't have the number right here, but what they

can do if they want to add to the reward call my office at 255-2135. I sit on the Crime Stopper Board. I am working with Crime Stoppers to collect the money we will have a separate pot and they are already set up to do things like this and once there is an arrest and conviction, it will be paid through the Crime Stoppers. So all checks are being made out to Crime Stoppers, Inc., they can mail them to my office, 510 City County Building, and I will hand deliver them to Crime Stoppers and keep track of it.

But I think what I might start doing the fact that we are up to \$2,800, if people want to start calling in and they have an option, if they want to start putting their money toward renovation, that is fine too, we can create a renovation fund because I think the reward money is getting pretty high to begin with and people are starting to call. So maybe we can start putting the money to something positive in renovation.

**Ms. McDonald:**

Yes. If you read in the paper today, it has been awhile and maybe I am missing it, but I am sued again. It was filed yesterday and it is of concern by Officer Michael Pilyiah and I may be mispronouncing his name, I apologize if I am P-I-L-Y-I-A-H. But anyway, it is filed against, even though I made the headlines, my name is listed last as a defendant. It is against Wanda Carlisle, Tanya Paine, who used to work for Councilman Sala Udin, Sala Udin and myself. And I had been called by the Post Gazette yesterday while I was cooking dinner and I gave some comments, I thought it was very frivolous. Since then, I felt it was frivolous and then I was very much outraged for a broader

ranger of issues. One is that the signal that is sent out in lieu of what this Council body has sanctioned, and put into legislation, in terms of a Civilian Review Board to effect better police community relations is that if a citizen, if something happens to a citizen that involves a police officer there are no witnesses. There is really no one to prove your story or disprove it. It is ruled unsustained. That the body who looks into the investigation cannot make a very firm determination, no different than a jury can — needs to rule without a reasonable doubt. It is the same thing. But to say that if it is unsustained that that person can be subject to a lawsuit. That that citizen doesn't really have the right to file a complaint, to do what they feel is right, to exercise their first amendment rights saying I don't have to put up with this. I didn't like this. I am not going to take this. I'm going to file a legitimate legal complaint. It is a very poor signal. I think it is something that — we will deal with this. There is a number of ways we can deal with this, but we definitely will deal with this. I felt it was frivolous, I felt that unfortunately this whole thing got out of hand and it only reeks of a definite need in a Civilian Review Board in which one of their main thrusts is mediation. There was no mediation here. There was nothing. All they did was an investigation.

This happened last September 1996. It was ruled unsustained in March. I am shocked that any person, any public servant, any employee would want their name in the paper all over again. If you want this to die, let it die. We have let it die. We are done with this. But unfortunately, it has reared its ugly head again. But I do want to set the record straight, please understand how indeed this

even came to public attention. It was very strange how it came to public attention, and very unfortunate.

What had happened is there was an altercation on September 24 in the evening, at Block Buster Video in Squirrel Hill. This is what Wanda Carlisle wrote. I am just going to do one paragraph because I want it in the record. She wrote a letter to David Quate, Office of Municipal Investigations and said the next day, September 25, 1996. I called the Wilkinsburg Police Station and spoke with a Joel Moore. Now, the officer had showed her supposedly a Wilkinsburg Police identification. Ms. Tanya Payne also said she saw a Wilkinsburg Police identification. It was very clear, it was Wilkinsburg, W. I questioned her and questioned her, and she said it was Wilkinsburg. When she came into the office, I said go see another officer, a Pittsburgh Police Officer's identification. When it was opened up, she said, nope that wasn't it. It was totally different. Different color, different everything. So, I thought, well if it was Wilkinsburg, call Wilkinsburg Police Station. This is what she did. Wilkinsburg stated that they had no officer by that name or badge number. She also spoke with a Sargent Rommel from this station that also verified what the woman had said. She called the Wilkinsburg Magistrate's Court to see if maybe that person was a Constable working out of Wilkinsburg. We called everywhere. No one knew who this guy was. I became quite concerned. I told her we may have a case of impersonating a police officer. It was that very week that there was a report of an incident in which someone was impersonating a police officer. I became quite concerned and I said we have to make sure that the public

is aware. Maybe this is the guy. She informed the media to alert to the public of this potential danger and for the public to be aware.

Well, it as about an hour later that the reporter called back with very disturbing and surprising news. He said to Wanda, this is not an impersonation of a police officer. This is not a Wilkinsburg Police Officer. But I think it is the City of Pittsburgh Police Officer. And she argued with him, and said can't be. Well, it was. We eventually verified that it was a Pittsburgh Police Officer. Not one time did the officer identify himself as a Pittsburgh Police Officer even though Ms. Carlisle kept saying your in Pittsburgh, why are you a Wilkinsburg Police Officer threatening to give me a ticket? Never once denied it, never once.

This is for the record. This is one of the concerns why she even did this as a citizen to protect others to make sure that there was no impersonating of an officer. And look what happened. So this whole incident makes me feel that this is a broader issue for the Council body. What happens if there are no witnesses? Is a person; is a citizen that we are supposed to protect going to be subject to lawsuits just because they do what they are allowed legally to do? Maybe what is right to do? Where is the accountability? I don't know about setting up a trust fund, or whatever, but it is something that we do need to discuss and I am sure that once the Civilian Review Board is in place, it is an area that does need to be discussed. The public cannot file complaints and then be sued because it was ruled unsustainable. Or maybe if it was ruled founded, that person is still subject to a lawsuit. Again, I think it is something for the Council body that

we need to discuss this a lot further. I am appalled at this. I think this is a situation that totally got out of hand, returning a tape on City time, which was proven. I am sorry that that happened. Listen, one time I was behind a gentleman beeping at him, and it happened to be my boss. It happens. It happens. You know what you do; you eat your mistake and move on. That is what you do. You don't keep bringing it to the attention and you don't tell the public through frivolous lawsuits that we don't care if we are right or wrong, we are going to shut you up. That is a very poor message in terms of police community relations to give to the public. So again, that is all I really can say legally.

**The Chair:**

Thank you. Other discussion or other issues?

**Mr. Onorato:**

I was going to read this and ask for a vote today. But in the interest of time so that we can have some time, if you don't mind I would like to wave some proper protocol here and procedure and introduce this waiver and wait and put it on for tomorrow for discussion, this resolution.

**The Chair:**

Is that the Abraxis/Cornell—

**Mr. Onorato:**

Yes.

**The Chair:**

I would ask the Clerk's office to put this in a resolution format for tomorrow.

**MR. ONORATO PRESENTED:**

No. 2368 Resolution directing the Director of Finance and City Solicitor to review all Abraxis/Cornell Corrections, Inc. real estate located within the City of Pittsburgh for the properly assessed market rate value; and to collect from Cornell Corrections, Inc. a for-profit entity the full amount of real estate taxes based on fair market values. (SPONSORED BY MR. ONORATO).

Which was read and referred to the Committee on Finance and Budget.

**MR. ONORATO** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**The Chair:**

The bill will be restructured and will be on the agenda tomorrow and Mr. Onorato's committee.

Other matters to be brought before the body?

I would like to know if Councilman Hertzberg would share his General Services and Councilman Udin his Budget Officer, myself, meeting with the Deputy Mayor and Director Miskovich

to resolve this issue of the cable cast of the various Public Hearings. We ran into a predicament yesterday regarding the administration not wanting to cable cast the Regional Renaissance Tax hearing. I think it was unfortunate. They are raising issues about the expenditures. We have never raised issues about Deborah Miskovich's expenditure with her pet cobra on TV.

The point is, if we are going to get into discussion about programming as it relates to the Cable Trust Fund expenditures, that is a discussion we should have openly and publicly about what are the priorities for the cable casting. I think most of us feel very strongly that a Public Hearing of Council whether it be in these chambers or the Zoning Hearings we have set up, or Regional Renaissance Tax hearing, that that is an appropriate and a priority expenditure for Cable Trust Fund monies. I personally feel it is more important than the pet show and other things that the Mayor spends hundreds of thousands of dollars on that we don't question. In any event, I think it would just be better to meet with the Deputy Mayor and Director Miskovich to go over these issues and come up with a resolution so we are not fighting about something that we shouldn't be fighting about.

**Mr. Ricciardi:**

Thank you, Mr. President. I was unaware that there was a problem regarding cable casting the hearings. But let me just say, what I find interesting is this is an opportunity for the tax payer and the voter to get beyond the sound bites, get beyond the fifteen, thirty second sound bites for the media that both sides put out.

This is an opportunity for the taxpayer and the voter to get beyond the two possibly \$3 million media blitz that looks nice on TV, but says very little. I found the Public Hearing last night to be very informative. I enjoyed it. I think this really gives the voter a chance to sit down and listen to the debate in-depth and in detail on both sides. So obviously I don't know what the cost is but I think the cost is probably very minimal. I think if the Public Hearings are all as worthy as they were last night that I believe the voter out there, Mr. President, would want them cable cast.

**The Chair:**

Yes. I really don't think it is about cost. I think it is about censorship and politics. The administration is in favor of the sales tax, they don't want any debate and discussion in the community. You can't rely on the papers like the Post Gazette who has a biased view on the newspaper giving their ownership of the Pirates. They are totally for the half percent sales tax. They haven't even written articles as a result of our Public Hearing discussion. The Public Hearing regardless of the attendance of maybe 20, 30 people there in the audience, there was a lot of good information provided last night at the Public Hearing. In fact, a lot of people called my office this morning to complain because they thought the meeting was going to be cable cast and wanted to hear the discussion and the debate. In any event, I would ask that we kind of tone down the rhetoric including my own and meet with the Deputy Mayor and Director Miskovich and go over the issues of what is going to be cable cast.

I think it is unfair. You know, we are not talking about City tax dollars. If

the administration is telling us it costs \$2,000 to cable cast a hearing, we have never gotten into debate with the administration. We don't question the hundreds of thousands of dollars that the Mayor's department spends on the promotion of his role as Mayor of this City, ribbon cutting, you name it. There are hundreds of thousands of dollars in programming costs associated with promoting the Mayor and his administration. Basically we don't even do that. Basically, the only thing we cable cast of Council is the formal meetings. We do no slick shows, we don't present—we don't put the make-up on Jim Ferlo and I look pro-active, and I look live this great guy like the Mayor, we have never done that on this Council. Basically we ask that there be a cable casting of the Public discourse and discussion of the legislative meetings, the standing committees, and on occasion public hearings. And a healthy metamorphosis is underway. We have District Council Elections. And with that has been a change in the role of Council, as we know it, over the last half a decade. Part of that change is the desire of Council to be much more informative and aware what their constituents see about issues that this body is debating, whether it be the zoning code, or this issue of the Regional Renaissance Tax, or what have you.

So, of the last couple of years, because of the curfew, because of the Civilian Review Board, Council members have chosen to have public hearings at the neighborhood level. Some of them have been better attended, like the Civilian Review and curfew, and lesser attended like the Regional Renaissance debate, which I think a lot of people have just made up their minds about. But in any

event, I think it is unfair to attack us and make it seem like we are being extravagant. We are not talking about tax dollars, these are franchise fee dollars, over a million dollars that we have at our disposal to spend.

We have never questioned Debra of putting a cobra around her neck on her animal show or whatever else she does with her money on programming. If we are getting into the debate, then Council by legislation, we may just have to take the cable money back, hire our own production crew, and do our own promotion of the public business. I hope we don't get into that situation, but I just think it is very unfair. It was very much at the last minute, even though we had made the request to the cable folks and the administration over a week and a half ago, actually longer, because we told them what the public hearing schedule was going to be. So, I would ask Councilman Hertzberg, who is always the voice of reason on this Council, and Councilman Udin on the Budget matters and myself, meet with the administration, Director Miskovich and try to resolve these issues.

**Mr. O'Connor:**

Thank you. I agree with almost everything you said and Mr. Ricciardi. I think it was very informative and there are a lot of questions out there that even as I was going people were asking me questions and I don't have all of the answers for. I would strongly urge the administration to televise them. I hope it wasn't just because it was in my District. But if they are really opposed to running so much on the negative, if they want to get their message out so people can ask legitimate questions, at least let people

vote – educate the voters so that they can make the right decisions, whether you are for or against it. There are so many issues out there that are unanswered. Frankly, the person to put their presentation on didn't have all the answers. So, I would hope that they would be better prepared –

**The Chair:**

I think they want to propaganda the voters, not educate the voters. This Council is attempting to educate the voters. We provided a forum last night for the Regional Renaissance spokes person to speak, we didn't cut them off, we gave them ample time, and they could have brought charts, videos, whatever they wanted to do. We also extended an invitation to others who are in opposition. We tried to make it as fair and democratic as possible.

**Mr. O'Connor:**

I think that was the intent of the legislation to have the hearings, just to educate the public. We are not taking a vote on it. We are not taking sides. Let the people be informed.

**The Chair:**

Very good. Well, the show will go on one way or another.

**Mr. Hertzberg:**

Thank you, Mr. President. Thank you for appointing me to the sub-committee. I look forward to serving on it. I was extremely upset and disappointed to find out when I arrived last night that it was not going to be cable cast. To the best of my knowledge the proper procedures and protocol were followed by this

Council to have the meeting cable cast. I thought it was highly irregular to find this out that it was not going to be cable cast. I am looking forward very much to serving on this sub-committee and getting to the bottom of this.

**The Chair:**

Any other matter to be brought before the body? We will take up the Albraxis issue tomorrow that Councilman Onorato has submitted.

Hearing no other matter, this legislative session now stands adjourned. Thank you.

**ADDENDUM**

**Councilman Hertzberg's**  
**comments on Bill 2294 can be found in**  
**the Standing Committees Meeting**  
**minutes of September 17, 1997.**



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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO ..... President  
LINDA M. JOHNSON-WASLER .... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, September 30, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone. Would you all please rise for the pledge of allegiance and please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We have two gentlemen here this morning Christopher Irwin-Williams, he is eight years old, he is in the third grade at Linden Elementary School. He is a high honor student, avid read and computer buff. And his brother is here Edward Irwin-Jones and he is five years old and he

a first grade student at Linden and enjoys bike riding, and computer games. He is going to be a high honor student, right? His mom and dad are here, the Irvin's, and his grandmother Rhetta Irwin here, Rhetta is the administrative Assistant in Councilwoman McDonald's office. These gentlemen are going to lead us in the pledge of allegiance.

**Christopher Irwin-Williams and  
Edward Irwin-Jones:**

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

#### The Chair:

No PA system needed by these gentlemen. Thank you very much, Christopher and Edward. The City Clerk has presented you with the flag of our great city and the flag of our great nation. I want to thank you for coming down here today.

#### Mr. Cohen:

That was the most heart felt pledge of allegiance I think we have had in these chambers.

Would the folks from the Mercy Foundation, Three Rivers Rowing Association all you rowers, please come up here.

Members of council and members of the audience, this weekend there is going to be a huge event on the Allegheny River. It is called the Head of the Ohio. I am sure many of you know about it. If you don't, it is a crew racing event. This year they are expecting over 3,000 participants. Last year I went with my family. Really just discovered it and saw the rivers come alive in Pittsburgh with this event. Its really a fantastic event, and it involves so many people, a lot of organizing and one of the best things about it is all of the proceeds of the event go to the Mercy Burn Unit which we have heard much about in these chambers and also our City paramedic system uses quite often and Mercy does a heck of a job. I am even closer to the event this year because of a very close friend of mine, Steve Irwin has fallen in love with crew, he has fallen in love with racing and he is out on the rivers at 6:30 a.m. I thought he was normal guy before this happened to him. He's told me a lot about how wonderful this event is. So I would like to read this to you.

#### PRESENTATIONS

##### MR. COHEN PRESENTS:

No. 2372 WHEREAS, eleven years ago, the Pittsburgh Mercy Foundation and seven dedicated oarsmen who founded the Three Rivers Rowing Association created a special event to benefit Mercy Hospital's Burn Center while renewing the historic tradition of rowing which flourished on Pittsburgh's rivers in the late 1800's; and

WHEREAS, this special event, known as the Head of the Ohio Rowing Regatta, refers to rowing crews racing against the clock and against each other as they wind

their way down the two and a half mile scenic Allegheny River course from Washington's Landing to the finish line at Roberto Clemente Park; and

WHEREAS, the Head of the Ohio has grown from a 250 entry race to an internationally recognized race with over 2,900 entries from this country and Canada which draws thousands of spectators; and

WHEREAS, the 11<sup>th</sup> annual Head of the Ohio Rowing Regatta will be held on Saturday, October 4<sup>th</sup> on the Allegheny River, with proceeds from concessions and sponsors going to the Mercy Hospital Burn Center.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Mercy Hospital in its sesquicentennial year of service to our community and the Head of the Ohio Rowing Regatta, for an international event which draws attention to our wondrous rivers.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

Mr. Cohen:

We have a number of people here today. Let me introduce them all if I can and bring some of the organizers up here Sally Hardon, the assistant Vice President of the Mercy Foundation and the coordinator of head of Ohio. Many of you probably know Mike Lambert who does such a terrific job over at Three Rivers Rowing Association as the Executive

Director. If you haven't been over there, please go over there. It is just a gem. It's a real gem. He is also a co-coordinator of the head of Ohio. Dr. Jorge Varcelotti, who is Assistant Director of the Mercy Hospital Burn Center and we also have a number of people who are members of the Mercy Corporate crew Kathy Hull you have a perfect name for this event, Angie Pantelas, Marty Blum, Don Lodge, Jodie Thompson. Am I missing anybody? Sorry, Leslie Barbour. Sorry Leslie, and also Linda Ross who is not up here, but she kind of put this together. So let's begin with Sally Hardon, and Sally please accept this resolution on behalf of City Council

**Ms. Hardon:**

Well, the operative word that Councilman Mr. Cohen used is huge. The first year as he said, it was 250 entries. This year we found out just last night, we have 3,940. We are closing in on the Head of the Charles and the Head of Scoolcol. It is a fabulous event. That is very special in this 150<sup>th</sup> year we have all even learned to spell sesquicentennial at Mercy. This is our 150th year of the first hospital in the City of Pittsburgh and a special thing that we are doing this year to honor the seven young women, Sisters of Mercy, who came here from Carlow Ireland to open the hospital in 1847 we are bringing in three women's crews the United States, the Canadian, and the German women Olympic crews in honor of the seven sisters who founded the hospital. It is a very special year. It is going to be a great day, we hope the weather will cooperate. Even if it doesn't we have survived rain down there and it was still fun. We hope you all come down. It's a great day. It is a great collaborative effort with Three Rivers Rowing. We are excited about the

corporate crew and most of all it benefits the burn center that day. Thank you. Hope to see you down there.

**Mr. Cohen:**

Mike Lambert say a few words to us. We have two proclamations one for the Mercy Foundation and one for Three Rivers Rowing Association. Thanks for all your good work.

**Mr. Lambert:**

Thank you Dan, and honorable members of City Council. This is a wonderful proclamation and it will hang on the walls of the boathouse. It makes us proud to be recognized in this fashion. I think that the collaboration with Mercy Hospital has been an exciting and very fruitful one for everyone that takes part in the event. I think for the larger community as well in so many different ways. What I think is interesting, this is the 11th year of this and I still feel like it's the first year. I get as excited and we work as hard and that says something about the vitality of the event. I hope that when year 20, and 25, and 30, and 50 comes along the organizers then won't be us, Sally. We will have as much fun and enjoyment and see the vitality of this event and the communities at large. Three Rivers Rowing is honored to have this as a charitable event. I would hope like to just remind honorable members of City Council too that Three Rivers Rowing does have a whole variety of programs that benefit not only the fit and beautiful as you see here today, but also those who have physically challenged, those who are special Olympians, those who are visually impaired, inner City youth, there is a whole lot that we are doing down there

on Washington's Landing that perhaps goes somewhat unrecognized because it is just our day-to-day work. I would like to point that out so you do recognize and speak with pride what is happening down there on the island with Three Rivers Rowing and the activities that we are performing. And invite you all to join us both as guests of Three Rivers Rowing and don't be afraid to get behind the oar. That would be alright.

**The Chair:**

I will be right there at 6:30.

**Mr. Lambert:**

At 6:30, you have missed the boat, Jim. You have to be there at quarter to six. Thanks so much and hope to you see you on Saturday, October 4<sup>th</sup>. Thank you Dan.

**Dr. Varcelotti:**

Really the worst I want to say is a few words but they are really coming from the bottom of my heart. This morning I got up very early and have this in my mind and I put them altogether. For me it is an honor to be able stand here in front of all of you and this distinguished group of members of City Council. It is because of you as well as all the organizers, when you say organizers, there are two names come to mind those named are Sally Hardon and Michael Lambert. In all the volunteers of Head of the Ohio that the Mercy Burn Center was able to acquire the very best and technologically up-to-date equipment for the care of the victims such as the Hydrotherapy area equipment as wells as monitors.

There is nothing more ratifying and I know I speak for my colleagues as well

as seeing victims recover and resume with their lives. All of these thanks to you for these magnificent and well-organized events that have helped the burn center of Mercy for so many years. I hope for years to come. I thank you very much.

**Mr. Cohen:**

Thank you Dr. Varcelotti. Thanks for your patience. We do have to hear from somebody from the crew. So Kathy Hull speak on behalf of the Mercy crew, would you please.

**Ms. Hall:**

Good morning. I would like to thank you for this wonderful opportunity to be here. I know on behalf of my gang, we are having a great time and we really consider it an honor to receive this proclamation. I would like to take a moment as well to thank some individuals, Sally Hardon from the foundation who has been very supportive to this Mercy Corporate Crew and to Mike Lambert I have to thank him personally for his creativity, initiative, and the patience he has shown in starting the corporate crews. We have a wonderful time learning this and because of that, I think its also important that I send a message to the City of Pittsburgh and the Pittsburgh community at large to say rowing is a great sport. It is a wonderful opportunity to build social relationships, to build teamwork. It's a great opportunity to be physically active and it's also an opportunity most of the time to relieve some stress. Although at times it can be builder of stress. But on behalf of my team I would like to say thank you and we are pleased to be here.

**Mr. O'Connor:**

After you are done I want to congratulate you. I just toured recently Mercy's facilities the operating room and I had the pleasure of visiting your burn center, especially when you took care of our fire fighters who were burnt very bad and they came out all right thanks to you and all your help there and your support. It is a tremendous hospital and amazing what you do there. I want to congratulate you on that and thank you for that and saying on your 150th birthday Bishop O'Connor, probably a distant relative brought the 7 nuns over here 150 years ago. But also Washington's Landing at Three Rivers, if you have never been there and I think most people don't go there unless they have a reason. I have been there a few times because I have friends in the rowing clubs and high schools. It is really a regional asset because Oakland Catholic was rowing Mt. Lebanon and all the suburbanites were down there enjoying our facilities, which were certainly welcome to do. It is certainly an asset, and I am glad you are bringing this attention to a true regional asset that we have.

**Mr. Cohen:**

Yes, Mr. President. Would the fire fighters, fire chiefs and assistant chiefs for fire prevention week please come up? Chief Dickinson.

Everyone knows this is the Fire Prevention Division and this is Fire Prevention Week. It seems to come quicker every year doesn't it? Obviously a very, very important issue and important week.

**MR. COHEN PRESENTS:**

No. 2373 WHEREAS, advance escape in all occupancies is essential to safely escape a fire; and

WHEREAS, fire drills should be practiced regularly; and

WHEREAS, early warning signs of fire must be taken seriously because a quick, decisive response is often what makes the difference between life and death in a fire; and

WHEREAS, this year's Fire Prevention Week Theme, "Know When to Go: React Fast to Fire!" emphasizes the importance of escape planning at home and in public settings; and

WHEREAS; the Pittsburgh Bureau of Fire is dedicated to the safety of life and property from the devastating effects of fire; and

WHEREAS; the members of the Fire Bureau are joined by the citizens of this community, businesses, schools, and other organizations in their fire prevention efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare the week of October 5-11, 1997 to be "Fire Prevention Week" in the City of Pittsburgh.

AND, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh calls upon the people of Pittsburgh to participate in fire prevention activities at home, work and school, and to acknowledge and observe the theme of this year's Fire Prevention Week: "Know When to Go: React Fast to Fire!"

**MR. HERTZBERG** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

Thank you very much. Thank you all for your hard work not just during this week every year but every day of every year in working so hard for fire prevention. We have with us here today Chief Dickinson, Assistant Chief Michel, Captain Tom Kelly, Lieutenant Bill Walker, Inspectors Bill Cable, Darryl Myrick, Ed Jursyick, Bob Thomas, Norm McDowell, Captain Richard Cunningham, another Inspector Bill Daugherty, and Captain Rick Caruso. Did we miss anybody?

Thank you all for coming and chief would you say a few words about Fire Prevention Week?

**Chief Dickinson:**

Another slogan that is difficult to sell because most people think the fire experience won't be theirs. That slogan would have really been important to the 200 plus that experienced a structure fire in the City of Pittsburgh already this year. To those who know we are going to call on, we hope that they remember what this slogan means. It would have been very important to the six people who died in this City already from structure fires here throughout the City. I wish I had a secret that we could tell people how critical it is particularly when they are in their dwellings where they live, how critical it is

to follow sound fire safety procedures, practices but for whatever reasons and there is a lot of them, they don't. That keeps us in business and this is the kind of business that is difficult because when you go to do our business it is some ones tragedy.

Given all that, what I wanted to depart with is a little bit today just for a second --we come up here every year and we provide the fire prevention slogan for the upcoming fire prevention week and I remind everyone that it is because of the great Chicago fire this week has been selected. And then we all go back and I don't think anybody really realizes how hard this group next to me really works. They carry the banner for fire prevention. We are 800 - right now about 870 employees in this City in the Fire Bureau. 870, right here are the people who deal with fire prevention and code enforcement and hazardous material enforcement everyday, Monday through Friday at nights when they get called out on weekends and special events. I don't mean to say that the other 800 some don't do their part, because they do inspections on engine companies and ladder companies. But this is the focus. This is the focus, this is the juggernaut. This is the folks that get it done.

So with that, I want to put a face with the area of the City they work in and I'm going to rundown just put up their hand, and I know they are going to smile, Inspector Bill Cable works in the Oakland area most of the time. Robert Thomas in our Central business district as an inspector, Darryl Myrick in East Liberty an inspector, Norm McDowell works in the North Side as an inspector. Get that hand up there. Ed Jursyick takes care of the

western side of the City and a little bit of the downtown area itself. Captain Rick Caruso does all of our hazardous material permitting and inspections, making sure that companies have their emergency operation plan and evacuation plans up to date. And then comes two people who are probably our hardest sellers for our children and our senior citizens, which are most at risk Captain Rich Cunningham and Inspector Bill Daugherty, who go to all types of schools everywhere where there is children and senior citizens. How hard do they work? Last year they conducted 700 separate programs. What does that mean to us? It is another month. A few months ago we celebrated two years without losing a child. We are still there. We haven't lost a child yet. We hope and pray for the rest of the year that that success rate. Who guides these people who works hard to make sure all the things that occur? Lieutenant Bill Walker and Captain Tom Kelly, everyone knows Tom. And of course led by my assistant Pete Michel. I hope you join me for a tremendous successful again prevention year for 1997 and wish luck for them in their continued hard work. Thank you.

**Mr. Michel:**

Good morning and thank you again. This year we are going to pass out a brochure and it will show you all the smoke detectors that were put in your district up-to-date for this year. We have just finished Arlington and Marshall Shalon we will be going into the Central district and then we are going into Region Square. We tend to say the same thing year in and year out. This year I would like to have come to the mike and say a few words from one of the people that do represent us out there. He's been on the

job for 30 years, over ten years in public education. They meet all our citizens across the whole spectrum from the old to the young. They target all their programs to whoever they are going to whoever the program is for. Usually when they are unprepared and do they don't know they are going to do this, you get some words of wisdom, not done tunnel vision like we get up here and say the same thing over and over. I would like Captain Cunningham to come up and say a few words.

**Mr. Cunningham:**

Okay. Good morning everybody. One thing I have learned children today are a lot smarter than when I was a youngster. I go out and I talk to four-year-olds and I says you can get seriously injured in a fire. They will say, yea, you can get killed. They watch 911 and watch all these programs. Unfortunately, I only get to see some children one time a year. It is actually up to the parents to tell children what to do. Most children that I ever found in fires, we find them hiding in a closet or under their bed. Education is the most important thing. Like I said, I get out there one time, parents are out there every day.

It really makes me feel good when I am downtown or someplace and a child will come up to me and say, Captain Cunningham, I remember when you were at our school. And I will say, do you remember anything I taught you. And they will say yes. Well what even makes me feel better than that is when I talk to their parents and they say the kids come home and want to make a plan an evacuation plan on how to get out of their home in case of a fire. I think that is a really

important thing. Hopefully everyone in here will have a plan and practice it at least two times a year. Thank you and have a safe and Fire Prevention Week.

**Mr. Cohen:**

Thank you. Would the folks from the American Diabetes Association come up here please? Linda, thanks for your patience. Most people here should know Linda Karsnak and who is a friend of mine and who brought this to my attention. She certainly did dedicated work for the City of Pittsburgh. This is a proclamation regarding the Diabetes Association and Podiatry Hospital

**MR. COHEN PRESENTS:**

No. 2374 WHEREAS, over 260,00 people in Pittsburgh and western Pennsylvania are inflicted with diabetes – a chronic illness with no known cause or cure; and

WHEREAS, the American Diabetes Association's mission is to prevent and cure diabetes and to improve the lives of all people affected by the disease; and

WHEREAS, on Sunday, October 5, 1997 more than 100,00 people will gather in 250 sites to walk together to raise funds to fight diabetes; and

WHEREAS, in Pittsburgh, walkers will gather at the North Park Boat House for the American Diabetes Association's Walktoberfest; and

WHEREAS, Podiatry Hospital, a prime sponsor of Walktoberfest, is part of Pittsburgh's ever growing and improving

medical community and has earned a reputation as a one-of-a-kind facility in the Northeast, offering specialized care of foot and ankle problems and surgical residencies for new doctors.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize and support the efforts of the American Diabetes Association and the Podiatry Hospital in fighting diabetes and proclaims Sunday, October 5, 1997 "Walktoberfest Day" in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

Thank you very much. We have Linda here, Dr. Jeffrey Nigro, Pat Kaston, Darleen Edwards, do we have Darleen Edwards that is you. Good. Dana Kohar and I forgot what is your name? Annie Call. Thank you all for coming down here. Linda, you want to say a few words. Congratulations.

**Ms. Karsnak:**

To all my friends of City Council, Council President Ferlo, I am really pleased to bring the Podiatry Hospital and the American Diabetes Association together here today to proclaim this very special day. A lot of you who know me may not be aware of the fact that I am a person with diabetes. I have been insulin dependent for twenty-five years and it has



inflicted me with everything from kidney failure to heart problems and septic poisoning. But by far and away the most devastating thing I that I have had to face in these twenty-five years are the problems that have been related to my feet, to my legs, the nervous system, the break down of my circulatory system, and amputation and removals of bones. I with like to commend these people for working with for my every day itself the work of this dedicated group of people that has enabled to save my limbs and save my life. Dr. Nigro.

**Dr. Nigro:**

First I would like to thank Councilman Dan Cohen and Council President Jim Ferlo and the entire Council for allowing us to be here this morning. It is a pleasure for me to be here on behalf of the staff of the Podiatry Hospital here in Pittsburgh. She did allude we are a specialty hospital within the northeast region with years of background and training. Since 1976 we have been training residents at this facility and doing some of the premier diabetic foot and ankle care and lower extremity care in this part of the country. We are very proud of that.

Obviously we are joined here today to help create public awareness relative to diabetes. And in as far as podiatry goes what is interesting is some of the manifestations of diabetes will initially present with does reflect in lower extremities. So we do work hand in hand with American Diabetes Association and they are a wonderful organization. Obviously, this effects our southwestern Pennsylvania community directly in the aspect that one out of 17 people in our

community are diabetics.

We hope that today this program that we are doing this Walktoberfest with American Diabetes Association is just the first program of many programs to come that we are going to do in a joint effort for the greater Pittsburgh area in the community out reach aspect. I would like to thank everyone for coming and giving us this time to help promote our cause I think more public awareness is presented and people are educated that there will be less morbidity, mortality and complications with the disease and hopefully someday ultimately a cure.

Again, I would like to thank Council for the proclamation. I hope that everyone can join us on Sunday, October 5, for the Walktoberfest. I would liked to have gotten that cardiovascularly trained group that just left here to sign up for us. They are doing it Saturday, we will be here Sunday. We have T-shirts to make sure all the Council remembers as well, and wear your sneakers. Thank you very much.

**Ms. Karsnak:**

For those of you who are accustomed to seeing me handle people of certain – one thing about Dr. Nigro and the folks of Podiatry Hospital, for those of you who are accustomed to seeing my handle people in difficult situations, you can probably imagine what it was like for them to handle me at the hospital.

We had two fax machines going, and I was supposed to be under their care, and they tolerated me very well. But believe me, they are the reason that I am walking around and the reason that we are out here today. We need to save limbs and

we need to save lives.

**Mr. Udin:**

I would like to invite Director Stanley Lowe, Pat Hairston, Pat Bagley, Billie Ruth McDaniels and Jack Lewis, Clemintine Williams, Diane Henderson and Sarah Dixon.

Good morning, Director. Colleagues this is a very important and celebratory day. We are celebrating 60 years of public service of the Housing Authority of the City of Pittsburgh and of all of the authorities and departments that provide various kinds of public service, I think you will agree that none is more fundamental than having a roof over your head. The Housing Authority of the City of Pittsburgh has been providing a roof, a decent, safe and sanitary housing for the very low income people of our City for over 60 years. We are celebrating this 60th Anniversary with this proclamation.

As a person who grew up in public housing and appreciated the warm and genuine circle of friends and neighbors who helped raise me and my brothers and sisters, I know how important public housing was to my family.

There is some neighborhoods that are not like that any more, but there are still a lot neighborhoods in public housing that are just like that where the family is the whole community. And so it really gives me great pleasure as a member of Council and as a member of the Board of Directors of the Housing Authority to present this resolution which I will read. Then I will ask Director Lowe to come up and introduce the guests he brought with him and anyone who would like to make a

comment should feel free to do so.

**MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:**

No. 2375 Whereas, on August 26, 1937 following the signing of the US Housing Act, the City of Pittsburgh created the Housing Authority (HACP), being the first Housing Authority established in Pennsylvania and one of the first in the nation. HACP had set-forth the specific goal to provide safe, decent, and affordable housing for low-moderate income families, the elderly and disabled; and

Whereas, President Franklin D. Roosevelt, in 1938 approved the Authority's application for the development of Bedford Dwellings and on July 15, 1940 the first tenant moved into apartment 58 at 2269 Bedford Avenue. In the same year on October 9, 1940 President Roosevelt came to Pittsburgh to dedicate Addison Terrace before 30,000 Pittsburghers; and

Whereas, during World War II HACP rose to the challenge and expanded development to accommodate the needs of war families. As Public Housing grew programs were developed to support the needs of the residents by working with various social service providers within the city; and

Whereas, HACP in the late sixties developed "scattered site" homes, which were, leased to the eligible low-income families. Later the families purchased the original homes. The scattered site homes gave low-income residents the opportunity to live in economically diverse communities; and

Whereas, HACP adopted the Section 8 program in 1976 to enable tenants to rent from a private landlord with rental assistance administered by HACP. During the seventies HACP began focusing on the people living in Public Housing and the quality of housing. HACP developed Social, Administrative and humanistic programs to support the need of elderly residents within the public housing communities. Therefore, they carried this focus into the 1980's by developing additional communities to meet the needs of the growing elderly population; and

Whereas, the 1990-decade shall be known as the decade of change, both internally and externally. Under the leadership of its current Director, Stanley A. Lowe, HACP has made a number of significant internal changes, which has dynamically removed the troubled housing status with HUD and replaced it with the status of a standard performer. Also, this will be the decade known as community voice and power. HACP has given the residents a voice in the planning of new development projects such as HOPE VI that enables the residents to be in on the beginning process and creates job opportunities for the residents. The future outlook for HACP is bright, as they recognize this and have adopted the theme "The Future Starts Here".

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates and commends the Housing Authority of the City of Pittsburgh for its 60 years of outstanding community service and accomplishments.

MR. HERTZBERG moved to adopt the

resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Lowe:

Thank you. On behalf of the Board of Commissioners of the Housing Authority of the City of Pittsburgh, we greatly accept this acknowledgement and resolution. I would just like to say very briefly, public housing is not about people who are over at Ross Street, public housing is not about people who are in our management offices at the various sites, public housing is about the residents whom we house, public housing is about their children who go to school in our various communities. I am not going to be long winded about this. We have a celebration coming up next week. We invite everyone to participate in the celebration. You should be receiving your invitation. If you have not, just call our offices and we will be glad to extend one to you.

I would like today to also present to Councilman Udin who is a Commissioner on Housing Authorities Board, a plaque that represents the direction of the new housing authority. It says the Future Starts Here and the future starts here with our public housing residents. Thank you for your work.

Mr. Udin:

Thank you.

Mr. Lowe:

We have some public housing residence who are here with us today

representing full spectrum of public from Northview Heights to Glenn-Hazel to other parts of the City. I am going to introduce them and ask them just to say a few words.

**Ms. Bagley:**

Good afternoon. It is indeed a pleasure to be here. It is nice of Mr. Ferlo to be here with you also. To be able to be apart of the 60th Anniversary of Pittsburgh Public Housing has been indeed a pleasure and it has been a privilege.

I came to Pittsburgh 24 years ago with my two children. To have a decent home over our heads for my children and myself meant so very much to us and coming to a place like Northview Heights, I have gone through a lot of changes over the 24 years. Right now I say this with pride and dignity that being a part of Pittsburgh Public Housing has afforded me the opportunity to work and to be a part of the change that has come about in our community of Northview Heights.

It took a lot of work and dedication. This didn't come about until a man came along by the name of Stanley Lowe. From what I see that is going on now in our community 5 years ago to me it was a dream to look out my window with tears coming down my face, it was at its worst. And when you here people walk up to us and tell us when they come to Northview and step out of there cars they tell us they can feel the change of Northview Heights you know then you got it going on. Thank you.

**Ms. Williams:**

To President Ferlo and City Council, I would like to say this morning

that Glenn-Hazel is blessed. If you have been through Glenn-Hazel you know it is a unique community and we want to continue to be a unique community. We are looking forward to going into home ownership. If I am not mistaken, we will be the first community going into the home ownership program. If you get an opportunity and have not drove through Glenn-Hazel, you need to take out time to take and drive through Glenn-Hazel. We want to thank Council authorities and Stanley Lowe for giving us the opportunity to be able to go into the home ownership program. Thank you.

**Ms. Henderson:**

Good morning every one. It is a pleasure to be here. I am a resident of Aliquippa Terrace for a number of years. And I am glad to be a part of the change, the organization that has been going on, it has been going on a couple of years ago. I am glad that they are having a demolition to take place the first of next year. I am glad to be apart of it. It is a big change going on in Aliquippa Terrace, and I am thankful to be a resident and also an employee of the Housing Authority. I would like to thank you all.

**Mr. Lowe:**

Council Udin I can't tell you, this means a great deal to us and thank you.

**MR. HERTZBERG PRESENTS:**

No. 2376 WHEREAS, Stephen Tancraitor, son of Elaine and Kurt Ellenberger, is a member of the Boy Scouts of America, "Order of the Arrow" Troop #299, sponsored by the Brotherhood of the Trinity Lutheran Church on

Sherwood Avenue, in the 20th Ward of the City of Pittsburgh, Allegheny County, PA; and

WHEREAS, Stephen has satisfied the Eagle Scout requirement of earning 21 merit badges, of which 11 are mandatory in the Outdoor, Fitness and Service Fields, and 10 are in the Fields of his own choice; and

WHEREAS, Stephen served as Senior Patrol Leader and Counselor; and for his service project, under his leadership, the scouts renovated the Trinity Lutheran Church's Social Hall by resealing the windows, and then repairing, patching, replastering, and painting all the walls; and

WHEREAS, only those young men who have been outstanding in scouting, exhibit only the highest ideals, have the esteem of their community and fellow scouts, and serve in a position of responsibility and leadership obtain Eagle Scout status, the highest rank in the Boy Scouts; and

WHEREAS, Stephen, through his enthusiasm, hard work, and dedication has successfully fulfilled all these requirements and has been presented with the Eagle Badge at the Court of Honor ceremonies September 27, 1997;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Eagle Scout Stephen Tancraitor on his recent achievement and commends him for his accomplishments.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS:

No. 2377 WHEREAS, the Gateway Rehabilitation Center, founded in 1972, is a private, not-for-profit chemical dependency treatment organization offering a comprehensive array of services for adults, youth and young adults, and families in the City of Pittsburgh and Southwestern Pennsylvania; and,

WHEREAS, during the past 25 years, the Gateway Rehabilitation Center has grown from a single treatment facility into a network of community-based treatment centers where over 40,000 people took their first steps toward recovery and where Gateway has further served the community through the development and implementation of community outreach intervention and prevention programs and, professional conferences and training seminars available to all concerned about chemical dependency problems; and,

WHEREAS, the success of the Gateway Rehabilitation Center is due in large part to the thoughtfulness and dedication of its founder, Dr. Abraham Twerski, who is internationally recognized for his treatment of people suffering from drug and alcohol addictions and, on a personal level, is recognized in his community as a caring and loving person whose friendship is cherished and whose advice is often sought. As the guiding force at Gateway, Dr. Twerski has set a course insuring Gateway's success for many years to come.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate and extend its best wishes to Gateway Rehabilitation Center on the occasion of its 25<sup>th</sup> anniversary and extends its sincere thanks and appreciation to Gateway's Board of Directors, Members of Staff and its founder, Dr. Abraham Twerski, who for 25 years has provided hope and help to people suffering from drug and alcohol addiction; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, in honor of Gateway Rehabilitation Center's 25 years of service to the people to Pittsburgh and in recognition of its reputation as being among the very best treatment centers for drug and alcohol abuse in the world does hereby declare Thursday, September 25, 1997 as Gateway Rehabilitation Center Day in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**MR. UDIN PRESENTS:**

No. 1278 Whereas, Since 1977 the Mattress Factory has made many significant contributions to the quality of Pittsburgh's cultural life by supporting the creation and exhibition of contemporary art by both regional and international artists through a residency program and;

WHEREAS, the Mattress Factory has rehabilitated portions of the City's

historic Mexican War Streets neighborhood, most recently by accepting the position of Master Developer of 12 North Side properties in the city's Federal North Project and by initiating a Museum Education Program that provides computer-based education to visitors and to users around the world via the Mattress Factory's World Wide Web site and;

WHEREAS, the Mattress Factory has attracted the attention of the arts community to Pittsburgh on the local, national, and international levels through an annual attendance of 22,000 visitors and;

WHEREAS, the Mattress Factory has generated an awareness of its exhibits and the Pittsburgh art scene at-large through coverage in publications with worldwide circulation.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares Sunday, September 28, 1997 as "Mattress Factory" day in the City of Pittsburgh.

WHEREAS, since 1977 the Mattress Factory has made many significant contributions to the quality of Pittsburgh's cultural life by supporting the creation and exhibition of contemporary art by both regional and international artists through a residency program and;

WHEREAS, the Mattress Factory has rehabilitated portions of the City's historic Mexican War Streets neighborhood, most recently by accepting the position of Master Developer of 12 North Side properties in the city's Federal North Project and by initiating a Museum Education Program that provides

computer-based education to visitors and to users around the world via the Mattress Factory's World Wide Web site and;

WHEREAS, the Mattress Factory has attracted the attention of the arts community to Pittsburgh on the local, national, and international levels through an annual attendance of 22,000 visitors and;

WHEREAS, the Mattress Factory has generated an awareness of its exhibits and the Pittsburgh art scene at-large through coverage in publications with worldwide circulation.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares Sunday, September 28, 1997 as "Mattress Factory" day in the City of Pittsburgh.

MR. UDIN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

I believe that concludes our read and adopted.

MR. COHEN PRESENTED:

No. 2379 Resolution providing for the issuance of a warrant in favor of Parr Emergency Product Sales, Inc. in the amount of One Thousand Three Hundred Eighty Eight Dollars and Fifty Three Cents (\$1,388.53) for the purchase of medical supplies.

Which were read and referred to the Committee on Finance and Budget.

No. 2380 Resolution providing for an Agreement or Agreements for the purchase of Pharmaceutical Services, Supplies and Medications necessary for the operations of the Bureau of Emergency Medical Services for a period of three years (1997, 1998 and 1999). The Total amount shall not exceed Fifteen Thousand Dollars (\$15,000.00) annually and providing for the payment of the cost thereof.

Which were read and referred to the Committee on Public Safety Services.

MS. MCDONALD PRESENTED:

No. 2381 Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, by Resolution No. 1056, effective August 24, 1993, by Resolution No. 1219, effective November 1, 1993, by Resolution No. 755 effective October 19, 1994, and by Resolution No. 846 effective November 4, 1994 and Resolution No. 937 effective December 7, 1994, by Resolution No. 744 of 1995, by Resolution No. '820 of 1996 and by Resolution No. 500 effective August 11, 1997, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program "so as to transfer a line item in the Department of Engineering & Construction (Spring Hill Firehouse Renovations) to the Department of General Services

No. 2382 Resolution amending Resolution No. 149, effective March 8, 1994, as amended by Resolution No. 277 effective May 3, 1994, by Resolution No. 949 of 1995, by Resolution No. 819, and by Resolution No. 958 of 1996 and by Resolution #249 and 501 of 1997 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1994 Community Development Block Grant Program" transferring a project from the Department of Engineering and Construction (Spring Hill Fire House) to General Services.

No. 2383 Resolution amending Resolution No. 377 of 1995 approved May 25, 1995, as amended by Resolution No. 947 approved December 22, 1995, by Resolution No. 289 and 821 effective May, 1996, and by Resolution No. 502 effective August 11, 1997, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1995 Community Development Block Grant Program" so as to decrease a line item in Council (Western PA Conservancy \$5,000.00) and reprogram these monies to the Department of Engineering and Construction (Sullivan Field Concession Stand) and transfer a project (Spring Hill Fire House) from the Department of Engineering and Construction to the Department of General Services.

No. 2384 Resolution amending Resolution No. 950, effective December 22, 1995, as amended Resolution No. 375, effective May 25, 1995, as amended by Resolution No. 1011 effective December

31, 1996, and by Resolution No. 491, effective August 11, 1997, entitled "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, chargeable to and payable from the 1995 Community Development Block Grant Program" so as to delete Western PA Conservancy - Polish Hill (\$5,000.00) and transfer these funds to Department of Engineering & Construction (Sullivan Field - Concession Stand).

No. 2385 Resolution amending Resolution No. 294 effective June 6, 1997 entitled: Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,171,050.00, chargeable to and payable from the 1997 Community Development Block Grant Program, Mayor's Office; so as to delete B.I.G. League Youth Sports (\$75,000.00) and Senior Center Equipment (\$100,000.00) from the Mayor's Office.

No. 2386 Resolution providing for an Agreement or Agreement with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,121,050.00, chargeable to and payable from the 1997 Community Development



Block Grant Program, so as to delete project (Arsenal Field and West Penn Field (\$15,700.00) and reduce the amount appropriated to \$1,105,350.00 (- \$15,700.00).

No. 2387 Providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Central Relocation Agency" at a cost not to exceed \$350,000, chargeable to and payable from the 1997 CDBG Program "Central Relocation Agency," Account #500000, Fund #2610, Organization #810000, Subclass C-1997, Project #2215888, Budget Year 1997.

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. ONORATO PRESENTED:**

No. 2388 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by revising Section 905.03(b), "Applications not accepted during consideration of zoning change," to avoid a moratorium on all development in the City during the consideration of a bill introduced before City Council to amend this ordinance in its entirety.

No. 2389 Resolution amending the Pittsburgh Code, Title Nine, Zoning, by revising the code in its entirety.

Which were read and referred to the Committee on Planning, Zoning and Land Use

**MR. UDIN PRESENTED:**

No. 2390 Resolution authorizing the transfer of five thousand dollars (\$5,000) from Implement Competitive Pittsburgh, Code Account 22, Fund 1000, Organization 999200, Sub Class 150, BY 1997, Account 526100, to Economic Development Marketing, Code Account 156, Index Code 015602, Fund 1000, Organization 999200, Sub Class 300, BY 1997, Account 566100.

Which was read and referred to the Committee On Finance and Budget

**REPORTS OF COMMITTEE**

**MR. UDIN PRESENTED:**

Bill 2391:

Report of the Committee on Finance and Budget for September 24, 1997 transmitting one ordinance and sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2318:

Resolution providing for the issuance of a warrant in favor of the U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of \$1,700.00 in payment of the Annual Materials Fee Invoice; and providing for the payment of the cost thereof, charging the same to Code Account 1482, Miscellaneous Services, Account 525500, Fund 1000, Org. 301000, Sub-Class 150, Budget Year 1997.

Which was read.

Also,

Bill No. 2328:

Resolution providing for the issuance of \$1,450.00 warrant in favor of Marie C. Devine in settlement of a claim for sidewalk damage due to City tree roots, in full and final settlement of a claim for sidewalk City tree roots, charging same to Code Account 46, Index 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill No. 2329:

Resolution providing for the issuance of a \$765.00 warrant to the City Treasurer for delinquent Real Estate Tax owed by claimant, and a \$00.00 warrant to be issued to John R. Muth in settlement of a claim for sidewalk damage due to City tree roots, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which as read.

Also,

Bill No. 2330:

Resolution providing for the issuance of a \$780.00 warrant in favor of Cesare Colucci in settlement of a claim for City tree roots damaging claimant's sidewalk and water box, 5556 Hampton Street, Pittsburgh, Pennsylvania, 15206, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub. 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill No. 2331:

Resolution providing for the issuance of a \$1,000.00 warrant in favor of Lawrence A. Raider, in settlement of a claim where claimant's vehicle was hit and damaged by a City ES vehicle on November 9, 1996, charging same to Code Account No. 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200 Judgements.

Which was read.

Also,

Bill No. 2366:

An ordinance amending the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 161, Contracts, Section 161.02, Competitive Bidding, Exceptions, Section 161.05, Specifications and Section 161.16, Required provisions in contracts to prevent the required provisions in Contract, to prevent the purchase, lease, rental or taking on consignment, any goods or products made under sweatshop conditions. (Sponsored by Mr. Ferlo.)

Which was read.

**The Chair:**

You have heard the reading and title of the bills any discussion? On the ordinance I have submitted regarding sweatshop and City contract competitive bidding requirements, I want to respectively ask if we could make an

amendment, which you have on the table. The amendment was basically suggestions from Councilman O'Connor and his staff regarding clarifying language in the ordinance and it doesn't change the bill but better defines employer and/or manufacturer. I would like to respectfully ask Mr. O'Connor to make a motion to amend.

**Mr. O'Connor:**

I think every one has it, a few wording changes in A which would enable them to meet their basic needs as specified in Section 161 and the basic difference wording is the changing in D manufacturing facility and changing the word manufactory or manufacturer or employer. It really emphasizes because a lot of these things we think as factories as huge buildings and that is unlike sweats shops. We hope its strengthens the bill.

**MR. O'CONNOR** motioned to amend the Bill No. 2366.

**MR. RICCIARDI** seconded the motion.

**The Chair:**

Any other discussion? Just on the amendments, all in favor of the amendments? The amendments are approved. On the Bill itself, I would like to thank all of my colleagues unanimously for addressing their support and for allowing representatives of the Needle Trades Union as well the Coalition Labor Union women representatives in here last week to come to the table and reinforce the importance of this bill.

This bill does not alter or change in anyway or nullify the competitive bidding

requirements that we are required to perform under state law and state statutes and Federal law. However, we are better clarifying under competitive bidding what would constitute a lowest responsible bidder and basically we are saying that we will no longer use City tax dollars to purchase goods and products that may be purchased, leased, rented or on consignment from any persons or companies or manufacturers or workplaces, unless they certify that those goods and products were manufactured by employees who provided an opportunity for a living wage and for work place where all laws are obeyed by the employer, where they are not violations of child labor laws, OSHEA violations, where forced labor is not used which unfortunately does exist in countries around the world where we are unfortunately and presently do buy products from and that those individual employees have the right to collective bargaining of their right under basic democratic principle collective bargaining through the organization of a Union, be it trade union or some type of employee association. That there is nothing in the company's practices that intimidates or disallows its employees from a basic democratic and human right.

I don't know where the administration stands on this bill at this point, but I would hope they would be supportive, fundamentally we don't alter the competitive bidding requirements but we have to define what is a lowest responsible bidder. So I want to thank my colleagues for their support.

Any other comments on this bill or any other bill that we opt to vote?

**Mr. Cusick:**

On that bill, Mr. President, I just want to thank you for bringing it to the table and for all your hard work. I think it was good to see a piece of legislation come through these chambers on the 40th Anniversary of the AFL-CIO Convention and allowing people to know that the City still does care about, as much as it did 40 years ago, about the working conditions for men and women in this country and abroad. Thank you.

**The Chair:**

Thank you very much. Hearing no other discussion, if you are in favor of the bills, please vote aye when your names are called. If you are opposed, please vote no. Will the clerk please call the role?

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo

(Pres't)

**AYES**      Nine      **NOES** None

And a majority of the votes of Council being in the affirmative, the bills passed finally.

**MR. RICCIARDI PRESENTED:**

Bill 2392:

Report of the Committee on Public Water and Environmental Services for September 24, 1997 transmitting a sundry resolutions

to Council.

Which was read, received and filed.

Also,

Bill No. 2270:

Resolution vacating a portion of Unnamed Way, 10 feet wide, between Sandusky Street and Shears Way, a distance of 90 feet in the 25<sup>th</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2319:

Resolution providing for a Contract or Contracts, or the use of existing Contracts for fence repairs at Crispin Field, and providing for the payment thereof, at a cost not to exceed Ten Thousand (\$10,000.00) Dollars, chargeable to and payable from Account 543200, Fund 2610, Org. 400000, SubClass C1995, Project 2220088, Budget Year 1997, Department of Public Works.

Which was read.

Also,

Bill No. 2320:

Resolution amending Section 1 of Resolution No. 548 approved July 29, 1996, effective July 31, 1996, entitled "Granting unto The Pittsburgh Cultural Trust, 125 Seventh Street, Suite 500, Pittsburgh, Pennsylvania 15222, their successors and assigns, an encroachment to construct, maintain and use at their own

cost and expense, to place plaques on tree grates at various locations on a portion of the right-of-way along Penn Avenue in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh. This resolution is necessary to clear up an error in recording the original request for grantee and was requested by The Pittsburgh Cultural Trust to amend their record.

Which was read.

Also,

Bill No. 2321:

Resolution granting unto Donald and Madeline Hoover, 1128 Oakleaf Drive, Pittsburgh, Pennsylvania 15207, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a driveway, parking area and fence on Oakleaf Way in the 31<sup>st</sup> Ward, 5<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2322:

Resolution granting unto Roxanne Franchini, 1228 Palo Alto Street, Pittsburgh, Pennsylvania 15212, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a garage on Wolfrom Street in the 22<sup>nd</sup> Ward, 1<sup>st</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2323:

Resolution granting unto Arch Court Inc., 1310 Arch Street, Pittsburgh, Pennsylvania 15212, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a concrete steps with steel handrails and four (4) trees on Arch Street in the 22<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2324:

Resolution granting unto Frank and Florence Sklar, 76 South 16<sup>th</sup> Street, Pittsburgh, Pennsylvania 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fire escape on Delray Street in the 1<sup>st</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2325:

Resolution granting unto Ken Falce, 297 Baldwin Road, Pittsburgh, Pennsylvania 15207, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicap ramp at 1903 East Carson Street in the 17<sup>th</sup> Ward, 3<sup>rd</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2326:

Resolution granting unto The Pittsburgh Cultural Trust, 125 Seventh Street, Suite 500, Pittsburgh, Pennsylvania 15222-3411, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a cornice and architectural trim for O'Reilly Theater on Penn Avenue in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2327:

Resolution granting unto Pitt Ohio Express, Inc., 45 - 26<sup>th</sup> Street, Pittsburgh, Pennsylvania 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, fences and sliding access gate on 27<sup>th</sup> Street in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Is there any discussion? Hearing none for final action, all in favor vote I when your names are called, or vote no if opposed. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen

Mr. Cusick

Mr. Hertzberg  
Mr. O'Connor  
Mr. Ricciardi

Ms. McDonald  
Mr. Onorato  
Mr. Udin  
Mr. Ferlo  
(Pres't)

**AYES Nine**

**NOES None**

And a majority of the votes of Council being in the affirmative, the bills passed finally.

**MR. CUSICK PRESENTED:**

Bill No. 2393:

Report of the Committee on Finance and Budget for September 24, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2315:

Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements for the purchase of furniture and equipment in the amount not to exceed Thirty Five Thousand (\$35,000.00) Dollars for the Parks and Recreation Senior Interests Program, chargeable to and payable from Senior Center Equipment, Account 500000, Organization 10200, Fund 2610, Subclass C1997, Grant/Project 2239503, Year 1997.

Which was read.

Also,

Bill 2316:

Resolution providing for a contract or contracts, agreement or agreements, or the use of existing contracts or agreements, for the payment of supplies, equipment, materials, salaries, rentals, and other services required in connection with the Baseball is Great (BIG) League Youth Sports Program in an amount of \$75,000.00, chargeable to and payable from Index 619031, Account 525500, Organization 102000, Fund 2610, Subclass C1997, Grant/Project G224117, Year 1997.

Which was read.

Also,

Bill 2317:

Resolution providing for a contract or contracts, agreement or agreements, lease or leases or management agreements, or the use of existing contracts, leases or agreements for the payment of supplies, equipment, materials, salaries, rentals, and other services required to provide center services for the HACP recreational and Senior Citizens Program in an amount not to exceed \$945,000.00, chargeable to and payable from the Housing Authority, Recreational and Senior Programs, Index 618405, Account 525500, Organization 500000, Fund 2610, Subclass C1997, Grant/Project 2215003, Year 1997.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion?

I just want to say, on Council's appropriation of the \$75,000 with the administration for the Baseball is Great Little League initiative, I want to thank the park staff, and Louis Polide and Sam Mashamatti on this, and probably a whole bunch of names that I am not even familiar with and as well as lots of parents. We can be proud in this city that we have so many parents that are involved with our little league and football teams and others youth groups. We could not put a dollar value on the amount of work they do. I know right now we're out in Lawrenceville building a concession stand at Sullivan Field. But you know it is just amazing the amount of volunteer spirit and the amount of commitment that young parents and young adults make with their kids. I think the money we have spent for the Big Leagues is money well spent. Hopefully it will even grow and expand into the future.

But I would just hope that in this year's budget and other proposals that I will be submitting that we can re-dedicate our efforts in next year's budget as it relates to projects like the Big League and other kinds of taking back the parks for the kids and the older people and people who live in this city. I think we have kind of turned our backs on the parks system over the years due to limited budgetary amounts of money and certainly you know my opinions about the need to change the director and get some new direction in that department. It is too vital a service for our residents. There is a lot to do with the livability of our neighborhoods. I just think this is an example where for a little bit of money, we could not put a dollar value on the amount of commitment that the staff and the volunteers and the kids themselves

who are participating. But examples are numerous all over the city where for a little bit of resources we can even increase the amount of field time and the amount of opportunities that we have for our rec centers, the fields that we spent money on, the millions of dollars that were committed for our playground projects and renovations.

I just think as we talk about this year's budget and next year's priorities on the operating budget and in addition to being concerned about police and fire and EMS and all the critical vital services we have to perform and are obligated to perform, I hope that we can revisit parks and recreation and youth activities both in terms of the operating budget and the block grant.

I want to say thank you to Louis, Sam, and all the other folks who work very hard. I know Councilman O'Connor and other colleagues that are active in their communities, Councilman O'Connor you spent a lot of time with the Little League Groups.

**Mr. O'Connor:**

I still coach Little League and we are doing very well at it. But I wanted to mention, last Sunday we had a cheerleading invitational, first annual in Magee Field, and Greenfield, and we had Cheerleading groups from as far as Erie. It was surprising. There were a thousand cheerleaders and a thousand spectators. I want to commend the Parks Department and our Public Works, the field was outstanding. The odd thing though, people wouldn't go into Allderdice because they were afraid of City schools. They mentioned they didn't want to come into

the City because of the perception, maybe the media gives us, but of course the media wasn't there for this great event. They really went away very, very happy.

Saturday night I visited your neighborhood. I was at Natoly Field. You want to see a real tremendous neighborhood event, go to Natoly field on a Saturday night. I think there was four football games, hundreds of cheerleaders, parents, the Vikings were selling their T-shirts, raising money, the new park that we renovated about a year ago, you did there, was packed, it was really a throw back to really family values in a great neighborhood. So, I think you are right. The parks are a center of attraction here and I commend Council and the Mayor for renovating so many of them. I think it is an asset that we have to keep working at.

**Mr. Cohen:**

I want to jump into the chorus here. Because the big program is just fantastic, it really is. Louis and Sam do a tremendous job. We finally have a City sponsored Little League Program with thousands of kids being involved, and I agree with you, Councilman. You can't put a price on it. You might ask is this one of the core City Services, police, fire, paramedic. Well, maybe not. But it is a service that provides so much in the way of teaching sportsmanship and getting the kids doing productive things that the keeps them off the street. It just has an enormous value. I just want to commend them for it.

**Mr. Hertzberg:**

Thank you. I also want to chime in and of course I do have to mention that teams in District 2 do seem to be



dominating the Mayor's cup in baseball. We also should think about some other sports. I know there are a variety of different football teams playing throughout the City and we are the hot beds for football here in Western Pennsylvania. I know there have been some discussions with Parks and Recreation about trying to organize in a similar manner for some kind of football competitions. Just as much as we have the youngsters thrilled and having a great memorable experience by playing baseball in the stadium, we could try to put together the same thing for football. I am sure it will be just as great of an experience.

**The Chair:**

Thank you, Councilman. Any other discussion? Role call vote. All in favor of the bill, vote aye, opposed, vote no. Please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

And a majority of the votes of Council being in the affirmative, the bills passed finally.

**Mr. O'Connor presented:**

Bill No. 2394:

Report of the Committee on Engineering

and Construction for September 24, 1997 transmitting a resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2360:

Resolution directing the Director of Engineering and Construction to petition PennDot to remove parking signs which restrict parking during certain hours on Forbes Avenue from Craft Avenue to Bigelow Boulevard. The removal of the parking signs will be effective for a 90 day trial period, at which time the Department of Engineering and Construction and City Planning, and the Public Parking Authority will conduct a study of the effects of the sign removal.

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Any discussion? Hearing none, the bill is now ready for final action. All in favor, vote aye when your names are called, if your opposed, vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Nine

**NOES** None

And a majority of the votes of Council being in the affirmative, the bill passed finally.

### **MOTIONS AND RESOLUTIONS**

#### **The Chair:**

Under Motions and Resolutions, the Chair presents.

No. 2395 Resolution authorizing the Appointment of Robert Kroner, 188 46<sup>th</sup> Street, Pittsburgh, PA 15201, as a Member of the Citizens Police Review Board, term to expire October 31, 1999.

Which was read.

Also,

No. 2396 Resolution authorizing the Appointment of John M. Burkoff, Esquire, 6104 Kentucky Avenue, Pittsburgh, PA 15206, as a Member of the Citizens Police Review Board, term to expire October 31, 1999.

Which was read.

Also,

No. 2397 Resolution authorizing the Appointment of Leslie Lewis, 537 Finley Street, Pittsburgh, PA 15206, as a Member of the Citizens Police Review Board, term to expire, October 31, 1999.

Which was read.

Also,

No. 2398 Resolution authorizing the Appointment of Diane DePalma, 3549 McClure Avenue, Pittsburgh, PA 15212, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

Also,

No. 2399 Resolution authorizing the Appointment of Marsha Hinton, 120 Auburn Street, Pittsburgh, PA 15206, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

Also,

No. 2400 Resolution authorizing the Appointment of Charles A. Peters, 1817 Sara Street, Pittsburgh, PA 15203, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

Also,

No. 2401 Resolution authorizing the Appointment of Rev. Toussaint Hill, Baptist Temple Church, 7241 Race Street, Pittsburgh, PA 15208, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

#### **The Chair:**

You have heard the nominations. As agreed to earlier, we will ask all of these nominees from the Mayor to be in

Council chambers tomorrow for interviewing process. Hopefully a brief interviewing process.

We would like to recess this meeting and following the interaction between Council and these nominees tomorrow at the Standing Committee Meeting, if we can recess this meeting and we can hopefully move in final confirmation, hopefully for all the individuals, but whatever the majority action is, the plan is to bring the nominees in tomorrow morning, recess this meeting, reconvene the Legislative Meeting session immediately following the Standing Committee Meeting, chaired by Councilman Udin and take a final vote tomorrow on the nominees and any other matter that we need to discuss relative to the Civilian Review Board.

Any other comments or issues at this point?

**Mr. Onorato:**

I would like to know just what you are suggesting. Are we going to have the questioning session at the beginning of the meeting like we always do?

**The Chair:**

I would suggest we do it at the beginning if it is all right with Councilman Udin that is. I also suggest that we bring all the representatives to the table as a group. I personally do not feel a need to individually question each individual applicant. I think we can bring everyone to the table and go up and down the line if colleagues have specific questions.

**Mr. Onorato:**

I have no problem with that. Thank you.

**The Chair:**

We will have to ask Councilman Udin and the colleagues.

**Mr. Onorato:**

I have no problem with that. I think at the same time I don't any problems with anyone here having extremely tough questions to ask them. This is a serious board to go on. I don't want to feel like we have to treat them with kid gloves either. I agree. It might be short. I think that any body who has a concern of any individual; they should ask the questions tomorrow.

**The Chair:**

I agree, but I just hope the politics will end tomorrow whether its from the left or from the right, or from people who favored the review board or people who opposed, I think we have a distinguished group of individuals.

**Mr. Onorato:**

I don't know if it is policy, but I'm not rubber stamping anybody. I have questions to ask all nine of them, all seven of them and if some of the answers aren't appropriate, I would be willing to use my vote in the appropriate way. I am elected too and this Council has a home rule charter function of confirmation. It doesn't say rubber stamps, it says confirmation. It might be that it is unanimous vote for all seven, but I hope that we have a serious and a legitimate

public hearing to bring legitimacy to the Board.

**The Chair:**

Obviously, I would in no way suggest that we shouldn't do our due diligence in our job, but I hope that regardless of people's position of whether they voted for the board on referendum or not, I think that is completely irrelevant to the serving on this Board. I am very proud. I think the Mayor has made a great list of nominees. I would have been proud to vote for anyone of the nominees that any colleague had actually nominated, even though I objected to Councilman Hertzberg's suggestion about a jail guard. But nonetheless, I think he went all out and I think he found an outstanding individual from his community. Councilman Udin and others are Irve Vails I have been friends with for 30 years. I think we on this Council collectively put forward a great list of nominees and I think we now have back a final list of formal nominees from the Mayor. I think obviously as Councilman Onorato says we are going to do our due diligence and ask the appropriate questions but I just hope that we keep some sense of propriety tomorrow during the interviewing process.

I hope we try to focus in on the next step in terms of getting this board together and trying to work with it to get its staff, and its office and whatever organizational assistance that this Council can lend to this new board. I just hope that during the course of the discussion tomorrow, we keep somewhere in the back of our minds that we are now off and running hopefully and we can move quickly to get this board organized and they themselves have to promulgate their

own governing regulations. We have required them to have a public hearing that presumably will be in Council Chambers in a formal setting run by the board themselves, not Council.

So there is still a lot of activities to be performed, duties to be fulfilled and we have given them I believe at least \$160,000 in funding in funding between now and the end of the year, \$125,000, excuse me. I think they have ample resources for a the remaining few months to get organized, to work with Civil Service Commission on the promulgation of job duties and guidelines for their staffing.

I just think collectively we on this Council have nurtured this from the beginning and I think part of tomorrows interviewing is also a nurturing process. I hope this group will work and build consensus among themselves so they can truly be what we hope they will be a fair, independent, an esteem group of citizens who will respond to the call.

**Mr. Udin:**

Thank you, Mr. President. I would like to draw to my colleague's attention a question that I have been kicking around since I heard the nominations from the Mayor's office yesterday. I intend to kick it around a little further to determine whether or not the Mayor's nominations are in violation of the referendum section which limits the number of law enforcement professionals to two. I just ask colleagues to think about that, to look at the nominations and the intention of the clause and determine whether or not the nominations are within those guidelines. I will be bringing the question back up

again tomorrow when I've had an opportunity to look at it more closely. But I think that maybe we are either right on the borderline or they have stepped across the boarder of that clause.

**Mr. Hertzberg:**

Thank you, Mr. President. I have no problem with the process you've outlined. I think it fully complies with what we are required to do under the Home Rule Charter as well as the legislation that we passed. The nominations from the mayor I think all appear to be very well qualified for the job, very good individually and diverse and in a lot of ways. Unfortunately, not in all ways, and I appreciate the difficulty of the job that the Mayor had. I think he's done a good job, but I would note when we talk about diversity something that's almost not diverse its very average has been left out from these selections and that just your average Joe or your average Josephine, however, you want to put it. I don't think any of these seven people, they are all excellent people, but none of them seem to be just your average person. Which I think a lot of people had envisioned that this board would almost consist completely of, of seven average citizens. Now, I don't think we have any that have been appointed, that is unfortunate. I appreciate the difficult job and I don't know that that is a reason to vote no for anyone of them in particular, but I do point that out as a slight disappointment.

Another slight disappointment that I have in this election is in the topic of geographical diversity. When we look and see the neighborhoods that are represented with the seven members, I think there is a

major area of the City that is not represented, that being the bulk of the south and the bulk of the western part of the city and it is an extremely large geographic area and it has been completely left out of the seven nominees for this board. But again, it is a difficult job. I know that in someday or another no matter who was put forth there would be these kinds of problems.

**Mr. Cohen:**

Thank you, Mr. President. I look forward to tomorrow's hearing. We worked hard to get to this point and set up this hearing so that it would be serious and that there would be a vote thereafter. So my view and I know yours is that anybody should be able to ask any question that they want and be able hear the answers and be satisfied with the choices.

I do think that the names that have been sent over are an excellent group of people and very diverse group. You can't satisfy every diversity trait. It is just impossible with seven people. But this group is quite diverse by race, by gender, by job, and by age. The one hole that we did highlight last week at the Council Meeting we didn't have many young people, but actually the two that the Mayor sent over are both in there 30's. I think that criteria has been satisfied as well. I hope that we move forward with a single Civilian Review Board that has a lot of work to do and they have to get started very soon. We left them in this legislation a great deal of responsibility to govern themselves in a sense that we aren't picking a staff for them, an executive director, investigator, they do that. Neither we nor the Mayor picked the chair. They have to do that. They have to get to know

each other.

I hope after tomorrow we will no longer think in terms of satisfying every diversity trait but rather in terms of one Civilian Review Board to bring one City back together because that is really what one of the major missions of this review board is, not only to reinstall confidence in the police but to bring the city together and I think we need to be thinking in those kind of unifying terms. I hope we will after tomorrow's meeting.

**Mr. Cusick:**

Thank you, Mr. President. I think the Mayor did a great job in selecting from the poll and in which Council has said over in its own list of nominees. I am somewhat upset or unhappy that no one from the south of Pittsburgh or the West of Pittsburgh was selected and that the majority of the nominees came from the east and north.

**The Chair:**

I believe there is one South Side, but your right, the bulk of them--

**Mr. Cusick:**

South Side -- Not South Hills, no that is not South Side, through the tunnels. I think that we probably represent two of the largest districts and unfortunately neither one of our nominees, I am most unhappy that -- and it was something that went on during the Civilian Trial Board when we were discussing and that was that there wasn't a third board member that would have police experience. I still believe that that would have been a plus for the Civilian Review Board. But the

selections I think, are good. I think the two individuals who were selected that have police experience were great selections. I look forward to asking a number of questions to all the nominees tomorrow. Thank you.

**The Chair:**

Again, just to clarify. We are going to vote individually on each nominee. So, if somebody doesn't win the majority five votes, they are not appointed. I hope we are moving tomorrow if we end up with four, if we end up with five, then we end up with five. I hope we end up with all seven, obviously. I think we need to bring closure to it based on whatever the majority will is. There will be a vote tomorrow in final form on the nominees.

**Mr. O'Connor:**

In an answer to maybe Councilman Hertzberg's mild criticism, I don't know if a lot of average Joe's applied. I had maybe 12 applications and --

**The Chair:**

I would have loved to see that interviewing session.

**Mr. O'Connor:**

Some law enforcement people, you know. Although I certainly see where he is coming from, but I think everyone is in agreement. There are seven outstanding individuals and I know most of them. I don't think we will have a problem, but I don't know, maybe part of the job tomorrow is not just Council interviewing them but I think they should have to sell themselves to the public so they feel

comfortable especially the nay sayers out there that they are responsible and why they are there. I see this thing going on for quite awhile. At least an hour or so. I don't maybe the only suggestion I may make is maybe we should do it in two parts. Not for our interrogations or questioning, but to let them sell themselves.

**The Chair:**

I have maybe or disrespectfully a different view. I don't know why these individuals need to sell anybody. I think we need to have a sense that they are independent and that they have some life experience either through their family skills, or their interpersonal skills or their work or their professional or their religious background, or their moral background, any thing -- I hope we are not going to give these folks ideological means test.

**Mr. O'Connor:**

I didn't mean it that way. I think everyone is very qualified. I see it as by telling us, who they are, what their backgrounds are, why they want to serve is very important to the public to see that we choose the right people. I don't see a problem with anyone of them. The more they explain why they are doing it, their background and they do have diverse backgrounds, I think it would just make it, the public and everyone to feel more comfortable. That is all I am saying. We all know them you said you knew Irve Bails 30 years. Joe Public out there doesn't know, although he didn't get picked. That is all I am saying. If they had four or five minutes to explain why they are here any why they want to serve.

**The Chair:**

I personally think the less said the better. I just want to know that they don't have an axe to grind, that they don't have a hidden agenda, that they are ideologically or politically committed to some particular persuasion or philosophy but much like a regular jury who want to know that they can sit in the room, interview individuals, ascertain the facts and come to some conclusion, and build consensus as a review board. Maybe I am expecting too much or not expecting enough. I'm not asking these folks to pass any Jim Ferlo ideological, political correctness test.

I can just imagine if Council Colleagues are using this phrase the average John or average Jane, I would love to see them at the table in front of this Council.

**Mr. O'Connor:**

I think most of them are average people, they are very good people, and they are serving for the right reasons. All I am saying is the public--

**The Chair:**

I don't know how you classify a lower wage social worker as anything other than an average people. I don't know what these people are characterizing these individuals as being but these are committed urbanites, these are folks who labored long in the vineyards, they have all kinds of life experiences. It is going to be a tremendous board. Did everybody get picked that I wanted to see get picked? Absolutely not. But as many times as I criticized the Mayor, I think I really have to go above board and a compliment him. I think he really responded admirably to

putting together distinguished group of residence and its unfortunate with the seven member board, often times we see this in the Planning Commission the western and larger south neighborhoods are not represented and certainly Councilman Cusick and Councilman Hertzberg have done a lot to help to change that. I am sure our next colleague here will continue that trend and some of these individuals are only serving a year and a half and two years. I would hope that in future nominees that we again raise the issue with the Mayor and I am sure he will take into consideration the geography, which is also, a concern. I just hope we --

**Mr. Onorato:**

I just want to clarify my point when I started off with this whole discussion. Maybe this is where we parted ways because we are coming from two different points of view here, and I don't mean politically. The seven nominated, at least for me, I don't know all of them personally. It appears some people here know them more than others. But there are some names nominated that appear to be great picks. But all I know about them is the resumes that was sent over. That is why I say it is important that we have this discussion, something might come out of there that we don't know about the individuals. I don't have a long personal relationship with all seven. A few of them I know for a long-time, but not all seven. I think that is what the confirmation process will bring forward.

Finally, I agree with Council President Ferlo, that there shouldn't be any political witness test. At the same time, I do believe that these seven, the seven that are confirmed, will have a vast amount of

power if not in discipline, but in the court of public opinion and through media because we all know there is going to be a lot of exposure for the first couple of cases, and are going to have a lot of people lives in there hands. It is a serious job. I am taking my job seriously we just put on seven or confirmed seven individuals that are truly independent, open minded, and will look at all the information in front of them.

**The Chair:**

Thank you. Other comments or questions, other issues under motions and resolutions?

I do have to put a plug in. We have tonight a public hearing at Liberty School in Shady Side on Filberts Street. It is continuation of Council's discussion on zoning code rewrite and we have a series of public hearings. In fact, I want to remind our colleagues and the public in the next month and a half we have thirteen separate public hearings that have been scheduled. There are five more public hearings, actually 6 more public hearings the first being tonight on city zoning code which has not been fundamentally rewritten since 1958. This Council, community groups, the planning commission, previous Mayor's and this Mayor and anytime during the course of the their term have made individual amendments to the zoning code, continually re-fashioning what the zoning code is all about. But this is a major upgrade and fundamental rewrite of the zoning code we have the first public hearing tonight at 6:30 at Liberty School. If individuals want to speak, they can call 255-2138. There will be an overview presentation by the consultants and



planning commission director and other representatives there. It is a good opportunity to start getting into discussion about the zoning code. It has a lot to do with people's lives and property and all kinds of issues are affected in terms of the document itself. We have six public hearings; tonight's the first one.

We have one Thursday October 9th at the Market House in the South Side, Tuesday, Oct. 14 at Greenway Middle School in the West End, Tuesday, October 28, Allegheny Middle School, in Central North Side, Wednesday, November 5th at Peabody High School in East Liberty Highland Park area, and Thursday November 13<sup>th</sup> the final public hearing on zoning code in Council Chambers. All of the evening public hearings at the schools are at 6:30 p.m. You can call the City Clerk at 255-2138 to register. The last final public hearing will be Thursday, November 13 at 10:00 a.m. in City Council Chambers.

We also have three more public hearings on the issue of whether or not voters should approve a regional sales tax increase. I want to thank the Tribune Review for following the public hearings and at least reporting on Council's proceeding an unbiased fashion regardless of their editorial bias unlike the Post Gazette who has completely merged their editorial bias with their reporting on the issue.

We have a public hearing Tuesday, October 7, at Brashear High School on the Regional Sales Tax issue and Thursday, October 16, at the Open Door of Crafton Heights in the West End at 6:30, on Tuesday, October 21, Perry Traditional Academy on the North Side. These three

evening hearings are at 6:30 and they are on the issue of the so-called Regional Renaissance Partnership Tax, Stadium tax, what ever you want to call it. On November -- and there are several other public hearings and I will close and Councilman O'Connor still has a motion on the floor I believe.

On Monday, October 10, this is of particular interest, a lot of neighborhood groups as well as a lot of advocacy groups, we -- Councilman Onorato, Councilman Ferlo have submitted past legislation, the Planning Commission has yet a third set of regulations, these are various bills that relate to defining what constitutes family and the use of single family homes in the City of Pittsburgh, some may refer to them as so-called group homes or congregate living facilities. But the Planning Commission has just not acted even though Councilman Onorato chairs the committee. I have submitted legislation. All of our legislation has been languishing away at the Planning Commission on this issue of so-called group homes. I would like to bring closure to this before this final session of Council. We have a new session taking hold in January, a new Council. Councilman Onorato is very supportive. He wants to move a long on this. So we have scheduled a hearing for Monday, October 20<sup>th</sup> at 10:00 a.m. on all the different bills.

So some how between the Planning Commission's bill and my bill and Mr. Onorato bill, we can come up with a final version that we feel is appropriate and can withstand appropriate legal challenges to some extent, hopefully, and one way or the other independent of the zoning code rewrite which by the way doesn't mention the group home issue. We want to move on that issue this year. We are not going

to wait on that any longer for the Planning Commission. So, Councilman Onorato who is chairing that committee is very supportive. We want to move ahead. That is Monday, October 20<sup>th</sup>. If you want copies of the various bills, because there are seven different proposed group home bills. Many of them actually kind of merge with each other. In any event if you want information, call your District Council member or the Clerk's Office. If you want to speak call the City Clerk.

We also have an important zoning issue. I believe it's in Council Cusick's District with McMonagle Avenue in 20th Ward. I am not sure; it is probably in both of your neighborhoods. Councilman Cusick — that is a rezoning that is being requested I believe for development projects. That public hearing is Thursday, October 23, at 10:00 a.m. here in Council Chambers on a rezoning of McMonagle Avenue in the 20th Ward, changing it from R1 to C2 commercial.

Now there are two other public hearings that are important, Wednesday, October 29<sup>th</sup> at 2:00 p.m. This is a public hearing at the request of Councilman Ricciardi on his Pittsburgh living wage bill. I think it will be a well-attended public hearing. If you want information regarding the Councilman's living wage bill, or if you want to speak and address Council on this issue, please call the City Clerk. But that living wage bill ordinance public hearing is Wednesday, October 29<sup>th</sup>.

Last but certainly not least Thursday, November 6<sup>th</sup>, at 2:00 p.m. there are two public hearings, we will do them back to back. These are two bills that I submitted, I think I submitted them over

two years ago, the Planning Commission has never acted on them, and we are going to bring closure to them one way or another. One has to do with redefining the condition of used process of City Council with the recusal requirements and other things that came out of some law suits that we were impacted by and a second bill has to do with the process itself. I am asking colleagues to amend the zoning code so that if an individual colleague submits a zoning bill we get to act on it whether the planning commission moves on it or not. Because what happens is we submit a bill, Councilman Onorato's done, Mr. O'Connor's done it, I think everybody here, Councilman Hertzberg, Mr. Cohen, everyone here has submitted a zoning text amendment or change over the years and basically the Planning Commission has had a pocket veto. They just don't act on it. It never comes back to us in a given session.

So, this issue here would be amending the planning code the zoning code to actually require that they submit some findings to us within 120-day period. Right now they don't act. I can give you 5 or 6 examples where we have submitted ordinance changes only for the Planning Commission to never take it up or act on it. It is not appropriate. Planning Commission, I respect them, they work hard they are volunteers, and they are not elected individuals. We are District Council members, we are legislators, and we are elected to do our jobs. There are a lot of issues that are parochial to our legislative Districts where Council member's is prompted to introduce a zoning change or some other issue involving the zoning codes. If nothing else, there should at least be action on it. It shouldn't be like Jessie Holmes holding up

an appointment. We should either vote on it yes, no, or good bad or indifferently. But to just have the Planning Commission not take it up, is just not fair.

So, I would ask my colleagues to look at that bill and keep that in mind. So there is a whole bunch of public hearings, a whole bunch of different issues affecting the livability of our City. Please call the City Clerk at 255-3128. We can fax you out the public hearing notices.

Thank you for your patience on that.

**Mr. Cusick:**

Just on this issue on hearings itself. Up to this point, Councilman Ferlo, we have only got three speakers on these tax hearings. I hope we are not going to drag out the cameras out to the different areas for three speakers, and a lot of wasted dollars. As you know, it is very expensive. I had hoped that Council would rethink the whole process in which we are doing these meetings. I for one like to see the cameras go into the neighborhoods sometimes during curfew. I thought it was a great way to let people know what was going on throughout the City, but we had 30, 40 speakers. So it is sort of -- I would like to think it paid for itself in a way. But I hope that we really rethink or try to consolidate some of the public hearings that we are having. In regards to the bigger issues such as the tax hearings the zoning hearings, and if we are dragging these cameras out, it is for more than two, or three speakers.

**The Chair:**

It is always hard to define was a big issue is. Sometimes people come

down here over stop sign is a big issue with them in their world as you well know. Just to be clear, we don't spend any City tax dollars or operating budget dollars on the cable casting of these proceedings, whether they are here in these Chambers or out in the neighborhoods. We benefit from a 5% franchise fee that TCI pays us back through subscribers' collections. So let's just be clear, we are not using tax dollars for the publication or the promotion of public hearing process either in Chambers or out in the community. Those are fees that are paid for by cable subscribers. I want to clarify that.

Secondly, we have not gotten into discussion with administration in the past controlling what they decide to spend their money on in terms of the use of the two government channels. I personally question the need to have the pet parade in the amount of expenditure. I think it is nothing more than political grandizement on the part of one individual. But that is not the relevant issue. The relevant issue is administration is working with us. I have spoken to deputy mayor. He has made several good suggestions about the cable casting of the meetings. We are going to try to work with him on that.

But at this point, we are trying to go actively promote the public hearings. I think in the future when we make motions on the cable cast, we can be mindful of the level of interest or the participation, but at this point we are going to proceed with the cable casting. If there is some indication shortly prior to hearing that the participation is low, then if there is no objection, I will certainly act with the City Clerk to accommodate the concerns that the Deputy Mayor has raised. Which there is some legitimacy there. I want to thank

him for cooperating with us and getting these public hearings together.

**Mr. O'Connor:**

Yes, I will try to be brief. I have a resolution. I visited all council members yesterday and gave you copies of it, and spent a little time with some of you. I will read the resolution and then we can have discussion.

**MR. O'CONNOR PRESENTED:**

No. 2402 WHEREAS, the system of roadways providing transportation links between the City of Pittsburgh and communities east of Pittsburgh and to the south, through the Monogahela River Valley, do not adequately serve the transportation needs of our region; and,

WHEREAS, due to the lack of adequate transportation, the residents of the City of Pittsburgh, especially in the eastern sections of the city, find their neighborhood streets and business districts are clogged with rush hour traffic and commuter parking as more and more traffic abandons the Parkway East in search of alternate routes; and,

WHEREAS, the Pennsylvania Turnpike Commission is in the process of constructing the Mon-Fayette Expressway, a 60-mile highway passing through the Counties of Fayette, Washington and Allegheny and, when completed will provide access to over 1,000 acres of industrial property in the Mon Valley, improve access to the Pittsburgh Technology Center, city attractions, assets and business centers and, lessen traffic congestion, pollution and other adverse

impacts within city neighborhoods by providing a Squirrel Hill Tunnel by-pass; and,

WHEREAS, the Oakland section of the City of Pittsburgh is the third largest business district in the State, with 30,000 residents and 33,000 employees, this resolution of support is contingent upon the completion and community acceptance of an Oakland impact study, detailing how the Mon Fayette Expressway exit and entrance ramp near Oakland, will affect current traffic, business and residency; and, [

WHEREAS, Mayors from no less than twenty-one Mon Valley communities have joined together in support of the completion of the of the Mon-Fayette Expressway due to the economic benefits derived from providing much needed access to long vacant and underutilized industrial sites in their communities and, furthermore, recognize that a unified regional political effort is necessary to secure the federal and state funds necessary to complete this important roadway.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares its support for the construction of the Mon-Fayette Expressway because of the economic and environmental benefits provided to the City of Pittsburgh; and it specifically endorses the Turnpike Commission's "Alternate 2" (the red alignment) provided:

1. An interchange will not be constructed at the north shore of the Homestead High Level Bridge.

2. The Pennsylvania Turnpike Commission will continue to integrate the urban design concepts into the project that are subject to review by the City of Pittsburgh's Department of Planning.

3. The Pennsylvania Turnpike Commission will evaluate Alternate 2 in detail to determine what benefits can be derived by the residents and businesses within the Glenwood and Hazelwood sections of the city.

4. In upcoming discussions with the CSX, Conrail and the Norfolk-Southern railroads, the Pennsylvania Turnpike Commission will make every effort to relocate rail lines and/or rail traffic to provide for an improved design of Alternate 2 in a manner that would reduce any adverse impacts to neighborhoods in the Alternate 2 alignment.

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh respectfully requests that the region's Congressional delegation and Pennsylvania's U. S. Senators work with Congressman Bud Shuster, Chairman of the U. S. House Transportation & Infrastructure Committee in order to secure or otherwise direct \$500 Million in federal funding to complete the northern portion of the Mon-Fayette Expressway.

**Mr. O'Connor:**

I believe I have a friendly amendment from Councilman Udin, you want to read that.

**Mr. Udin:**

Yes. The amendment that I have, Council colleagues, takes into account that there has been proposed a major exit ramp off

the Mon-Valley Expressway somewhere in Oakland. I think most current or most frequently mentioned exit ramp is around Bates Street. Obviously the City of Oakland is the third busiest neighborhood in the State of Pennsylvania. It should not be even thought about doing a major highway construction exit into Oakland without doing an impact study on what the effect of such an exit ramp will be on the traffic, on the business, and on the residence who live and work in Oakland.

So with that in mind, my amendment reads, Where as the Oakland section of Pittsburgh is a third largest business district in the state with 30,000 residents and 30,000 employees this resolution of support is contingent on the completion and community acceptance of an Oakland impact study detailing how the Mon-Fayette Expressway exit and entrance ramp near Oakland will effect current traffic, business, and residency.

**The Chair:**

On Mr. O'Connor's initial resolution, is there a motion to approve?

**MR. HERTZBERG** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**The Chair:**

Now, on Mr. Udin proposed friendly amendment, is there a motion.

**MR. UDIN** moved to adopt the amendment.

**MR. HERTZBERG** seconded the

motion.

**The Chair:**

Is there any discussion on the amendment first, Mr. Udin's amendment? Any discussion on the Oakland ramp issue?

**Mr. O'Connor:**

I certainly commend you for bringing this up. I think he -- Actually, all three of us kind of border that. The whole Mon-Valley in my district except maybe small parts of Mr. Ricciardi's and Mr. Udin's District and the start of Oakland, and I certainly agree with them Oakland is the third major job center in the state, we can call it a city itself. We have 33,000 employees that have to get in and out of there. It is precisely, now again, whether it is there or near there, it is certainly is needed. In fact, I think this points out the need. But again, we have to make sure the neighborhood is, it benefits the neighborhood and the workers and it is not an adverse condition.

As you mentioned, all those people who can't get on Bates street, I mean it is just stopped, all those individuals going east, now go through the neighborhoods of Greenfield, Hazelwood, Squirrel Hill, Shady Side and let's just -- no one would go on the parkway in their right mind from 3:00 to 6:00, maybe even 3:00 to 7:00. That's the key to the City of Pittsburgh. The benefit of all the residence.

I certainly commend you on this. I think it is very important. How it's done and done correctly. That is the greatest needs to put people on the expressway, on the Mon-Valley Express Way, and out of

our neighborhood because they can't go on the Parkway anymore. When the Parkway was built in 1954, I remember being there with my dad, and he said this is obsolete before it is finished. And it was. Those tunnels if you travel that end of the City, it is a disaster, and it is really clogging up our neighborhoods.

**The Chair:**

You are speaking in support of the amendment also?

**Mr. O'Connor:**

Yes, I am supporting the amendment. You want to vote on that, then I would like to discuss --

**The Chair:**

I don't have any amendments. I will vote for your resolution. I am just very concerned that whatever we end up with, whatever this road looks like if it has to be built that it is at the least detriment to the loss of residential, commercial, or developable property in the City, whether it be river fronts whether it be to the Hazelwood, Glenwood corridor. In no way would I hope that this thing comes over to the south of the river in terms of all the work that we have done on the South Side. I am very concerned about the impact issues and making sure that we are not going to have some arterial high sky way several hundred feet high into the sky that's going to really hamper all the millions that we have spent on development on it be it commercial, residential, protection of the river front, all of the other kinds of issues. As well, you know PennDot is not exactly noted for building great highways, neither is the

turnpike commission, for that matter. I had made reference at one of the planning meetings is the difference when you go to DC, and you drive down the George Washington Memorial Parkway versus I-95. So, I just hope we can have a higher level of esthetics in the construction of whatever this roadway is going to look like.

**Mr. Ricciardi:**

Just on the amendment, then I have some comments regarding the resolution itself, Mr. O'Connor. Regarding the amendment, obviously, I support it. I believe it is a very responsible amendment put forth by Mr. Udin. I am going to vote for it.

I do have some concerns however and I understand that we need to be very careful on how we craft the amendment. For example, if I could just take this opportunity, this resolution of support is contingent on the completion and community acceptance of an Oakland impact study. So the concern that I have, colleagues, is that the study might show that it is disastrous for the Oakland community. That it is going to be very detrimental to the business corridor that people are going to lose their homes. However, it could still move forward because the amendment itself doesn't say if it's disastrous we should put it on hold and look at a new location where we drop off thousands of cars. Even with that said, I am going to vote for the amendment, but then that is going to bring me into my next comments regarding the resolution itself. I don't want to mix those comments.

I am just saying, yes I support the amendment, because obviously it is saying

that the community should be very involved, that we should look at all aspects both positive and negative regarding the Mon-Fayette Expressway and the impact that it will have on Central Oakland, South Oakland, and Bates Street in particular. With that said, I will vote on the amendment, but then later on, Mr. President; I do have comments on the resolution itself.

**The Chair:**

Other discussion from my other colleagues on the issue? On the amendment. Any discussion on Mr. Udin's Oakland amendment?

**Mr. Udin:**

Just finally to clarify. I appreciate Councilman Ricciardi's concern and I share the concern. It is just that my intention is that any impact study that could survive the scrutiny of the various groups in Oakland and they are very well organized in Oakland, any impact study that could survive there scrutiny is probably not going to have detrimental effects of the kind that we are both concerned about.

**The Chair:**

Any other discussion? All in favor of the amendment. Aye. Opposed? Abstentions? The amendment is approved. Now on the resolution itself as amended, other discussion?

**Mr. O'Connor:**

I would like to explain why I think transportation roads and infrastructure are the key for our economic development,

and that is jobs. I said one thing about transportation. You conducted a hearing last month, we heard all about the Mon-Valley Expressway. We even heard some of the nay sayers. Very few by the way. Probably the most significant comment that came out of our hearing and I have been on a committee headed by you, myself and Mr. Ricciardi, which I have attended almost every meeting, every community meeting. What came out is Western Pennsylvania has been shortchanged in transportation money from the State and Federal level because we never get together. They are doing the Washington Southern Beltway because everyone is lined up. That is another issue. But they are going to do it with or without us.

The point is let's get together as a Council, we need to send a message to Washington and Harrisburg that we are open minded and we will support an expressway bypass.

Senator Specter was in yesterday supporting it, going after the funding. I spoke with Congressman Coyne just before this meeting, all of our congressman are supporting this, all of our state officials are supporting it. It is time that we start making initiatives. Again, there will be community impact. I am going to go take all the pressure, believe me. But I tell you what, when I sit down in a community meetings, I win everyone over except the seven nay sayers and that we all know will be here. They go to every meeting. They have nothing else to do with their lives. But take those seven aside and we have documents, it is time this Federal money, if we don't go after it, we could lose it.

I am a little selfish because my -- we live in the house my wife was born in, on Phillips Avenue, a small neighborhood avenue. It used to be a small neighborhood street. She was sitting and looking out the front window doing some paper work, looking out the window a little after five o'clock two, three, days ago, and said what the heck is this traffic on my little neighborhood street? It is bumper to bumper. The Parkway is a funnel, Pecussa Street for the last year if you know where Poli's is, Marshall is back to back, I coach -- we go to Little League games at Braddock Avenue, try to go Braddock and Forbes anytime after 5:00. Forget it, you can't get there. You need another half-hour to get to Frick that end of town.

It is time we roll up our sleeves, I see this as a major benefit to get traffic out of our neighborhoods and alleviate some of that. We are looking at a nine mile run, which is coming in front of all of us, we want to build homes, maybe even as high as \$800,000 in the 14<sup>th</sup> Ward. Where is all of the traffic going to go? So, I see without this, we can't build more homes. We can't put more traffic on our streets.

Again, I think you are absolutely right, Mr. President, I see this and I agree with the Mayor, we both agree that it should look like the worst George Washington Expressway, I am meeting right at this time, I am trying to get together with Conrail Railroad so that they can put all of their trains on one end and we can bring it down to the railroad level protect our river fronts. We can have better access. We want trails, biking, hiking trails. --In Hazelwood the same thing, it goes underneath, the railroad doesn't take -- here is the best part about



this, and I can't swear to everything on Bates Street, but everything south of Bates Street that we have really looked at, not one home, not one business. I feel the same attention should be at Bates Street. Whatever is done there has to have the same effect, it is a positive. It is nothing like the East Street Bypass. Where we took out thousands of families and homes. This doesn't touch one home outside of the issue at Bates Street, and we certainly have to address that.

Now, just for the general public, this drops off around Second Avenue and Bates Street area, goes up on the railroad tracks, bypasses Hazelwood, comes up the river under the High Level Bridge, doesn't touch Duck Hollow, doesn't interfere with that at all, here is the key that the public doesn't realize, it goes all the way up to Turtle Creek now. You can go right to Large and down to the Mon-Valley or go left through the Railroad only and come out if you know where the Monroeville Bypass where the Indian Temple is, that beautiful structure there, and that vicinity.

So, if you live out that way, you avoided all of that Squirrel Hill Tunnel traffic, you jump on this bypass and you are down town in ten minutes. So, I just see it as a win, win. Again, it has to be done right. I met with the designers. I am not pleased with every design. We don't want a concrete jungle that the East Street Bypass has. I think a blacktop tree line roads that makes our City more attractive and makes our riverfronts more useable for everyone. I see this as a major benefit.

Again, if you heard some of the questions at our Maglev, it looks like everyone was questioning Maglev, but at the time, all were supporting going after

the funding for the Mon-Valley Expressway. This is a golden opportunity. We have to be united to go get the money. Have the money, have it ready, and certainly we will appeal. If it interferes, and hurts Oakland, I will be the first one to say scrap the exit. But I think if it is done right I believe that it will be the biggest asset to Oakland.

**Mr. Ricciardi:**

Thank you, colleagues. So many different directions I could go into. First, let me say obviously, I believe the Mon-Fayette Expressway is supported by all individuals and most elected officials including Mayor Tom Murphy. Mr. O'Connor, I don't disagree with the majority of things that you have stated and first for the record, I really want to commend you because you have made all of the community meetings. I have not. So, I have not been privileged to all of the details.

My concern is any environmental impacts that the Mon-Fayette Expressway could have on any and all neighborhoods including City of Pittsburgh neighborhoods and municipalities. I am also very concerned on the impact it could have on City neighborhoods especially the Oakland neighborhood. But I have to be very honest with Mr. O'Connor, and that is yes, if you just read the be it further resolved you know, how could anyone be opposed to this. But here is my problem, and I am going to state this publicly. I have no idea when it mentions we are going to support Alternate 2, I don't know what Alternate 2 all encompasses. I am not sure about regarding the interchange that will not be constructed at the North Shore. I haven't done my homework on

that. I have no idea. Regarding CSX and Conrail and Norfolk Southern Railroads, regarding their relocating rail lines, I can't—I have no idea also.

I guess I am going to put it this way, Mr. O'Connor. Just in summary, I supported you on Maglev; I was very disappointed that the amendment that I thought would protect the Hill District more fully put forward by Mr. Udin lost. I would like to support you on this, but I can't vote on the resolution itself. If you would just vote on the resolution be it further resolved, I would vote for that. But all of the details, especially when it mentions Alternate 2, I am not sure if that is the best thing. I am going to be honest and perfectly frank with this body. If I would vote for it, and I was wrong on a certain particular, and then my residence and my constituents, and tax payers and voters stood up and said well why would you vote on a resolution that talked about the interchange, or why did you vote on a resolution that was Alternate 2. I would have no response for them colleagues.

So, I guess what I am saying today, is, Mr. O'Connor's resolution. If he feels if he would support a hold for one week, I would promise that I would go back and really understand all of this and be able to vote yes or no. But if there was a vote for today, Mr. O'Connor, I think this is the first time I have done this with your initiatives, since you have come on Council, I would have to abstain. So, I could not vote for it today.

What I am saying to Mr. O'Connor if you would be kind as to hold for one week, I would support the hold. I would be ready to vote next week. If there is a vote today though, I am either not going to

be in the room for it because I have another appointment, or I am going to have to abstain. Thank you.

#### **The Chair:**

Well, I am not sure if the issue is going to be recorded and probably more than likely it may soon forget this resolution. I view the resolution mainly as the timing of urging the Congressional Delegation to act now in a more decisive fashion. I agree with you. I have concerns about a lot of the particulars. But it just goes back to the same thing where we as a reason and as a City together with our surrounding communities don't act decisively at the right political moment when opportunities are present and there are probably a lot of things that I just like to argue about this road, this location, but I just hope whatever we do to that, I just hope we send a message.

#### **Mr. Udin:**

Thank you, Mr. President. I want to caution colleagues about non-binding resolutions. Maybe it is because we kind of think that non-binding resolutions are unimportant because they are non-binding, but I am not sure what people do with the non-binding resolutions that we make and how they represent those non-binding resolutions elsewhere. I would caution us against non-binding resolutions that intercept the planning processes of a lot of people who have been planning for years capital projects that require tremendous planning, technical engagement and consensus building. I am afraid that if we are kind of foot loose and fancy free with that non-binding resolutions, it does more than politicize the process than to add to the planning process and the non-binding

premature nature of this resolution, I think, also applied to the non-binding premature resolution that the same council member presented us regarding the flying train a few weeks ago. When we wanted to send a non-binding resolution to Congressman Shuster asking to give priority consideration for the Maglev Development, and now we are coming back and we were warned at that time that Maglev would pre-empt other priorities that were on the table for the Mon-Fayette Expressway. Now we are coming back and asking again for additional support and money for the Mon-Fayette Expressway when last week we asked that the money that is going to Pennsylvania or South Western Pennsylvania go to the flying train. Now, if we think that every single priority that we pass a non-binding resolution with is going to get funded and not compete with each other, we are the most naïve politicians in the world. We have already asked for the priority to go to Maglev.

In addition to that, it seems to me that perhaps Congressman Shuster is taking all of us for a ride. I looked for the funding legislation that Congressman Shuster was going to include in his bill to Congress and I looked for Pittsburgh's Maglev to be included in that funding bill at a level of \$345,000,000, and all I found was \$5,000,000 a year for three years for a total of \$15,000,000, not \$345,000,000, \$15,000,000. Now, I don't know who he is taking for a ride or what kind of trick is being played, but I don't see any funding in the legislation that Shuster presented to Congress and even as it was it was way over budget. It was a budget buster and he is going to have to reduce it.

So, maybe those who are

supporting the flying train have some inside information that I may not have, but we shot ourselves in the foot when we said we wanted to do Maglev and now we are coming back around with another premature non-binding resolution for Mon-Valley Expressway. It is making no sense to me, Mr. President.

#### The Chair:

I am reminded of that song by Gilles Herring, about the train from Washington being 400 years overdue. We may not get some of this money. It is always the case, that we in this region do not get our fair share back from DC. In any way you want to cut it, including road moneys, lack of commitments on any different fronts, construction, capital, roads, bridges, you name it. I thought the sense of the Maglev resolution where I respectively disagree with you. I thought there was a principle disagreement about whether or not we actually concluded that one pot of money versus the other. I thought the sense from the Maglev resolution was that the money that we were asking for was a separate and distinct pot of money being considered for advance technology kind of consideration. I agree. But I think the jury is still out on what the case is.

There is a double-edged sword here, Councilman. I spent, I probably am one of the few people who voted no on a bridge where there was ten years of planning and input and study and millions of dollars spent, and that is the bridge coming out of the Armstrong Tunnel there going across the river to Market Street. I voted no on that, because I don't care how much planning went into it, it was a stupid idea, it didn't make any sense, and in the

end it was scrapped anyway. So there is a double-edged sword that with all of this involvement and planning and impact, there is no way, even if we go the money tomorrow for this Mon-Fayette Road, you are talking about five or seven years worth of environmental impact studies and the Federal hurdles that we have to jump through in order to even get something built.

I thought the basic sense of the Maglev last week, the basic sense of this resolution today, not withstanding your amendments, and Council Ricciardi's amendments, is that we want our fair share back to the region to promote meaningful road and bridge projects and other transportation projects and give us the money and we will do all of the planning and the impact and the doing the sense of the way with the least detrimental impact.

It just seems like if we don't ever get to the point of asking for the money, and in support of other elected officials at the Congressional level, the regional mayors, municipal officials, it just seems like we don't make any progress. Maybe I am differing from you. I just sense that at least in terms of non-binding resolutions format rule, that we being asked to consider here, it is really nothing more than putting a fist on the table and saying we want our fair share. That doesn't mean we are not going to go through seven years worth of impact studies and zoning hearings and community crosses sessions, you name it.

**Mr. O'Connor:**

I think Mr. Udin -- I really I like what you said in today's paper about -- I read about creating jobs in Pittsburgh. If

the leadership here ten years ago was doing what we are doing we could be building that road first instead of last. We are at the end of train. It started out in Large in Washington County and it is coming in here. We could have been first had whoever sat in the mayor's office and on Council made the decision ten years ago get the money and -- you are right, we are going to make sure its neighborhood -- all of the environmental issues are going to take years. If you want to go to every neighborhood, and every environmental issue and wait two, three, years to decide where the railroad is coming, well guess what, the money is being divvied out now. This is our chance to go after the money. I live there. If it is an adverse effect in my neighborhood, I have been born there and I am going to die there. I'm not going to support any road that is going to hurt our neighborhood or our city.

This is the type of stalling that we have to stop playing politic. It was clear in many many meetings with this Maglev, it was very clear that there were two things that we wanted both, and even the people that were against Maglev, and they had some good points. I am not criticizing them. They all said let's not hurt the Mon-Valley Expressway. So here is a chance to go get some -- let our leaders, our senators, and our congressman earn their wages, because believe me folks, if you want to take a tour of some other cities, I was with Bud Shuster. He told me Pittsburgh is the furthest behind on mass transit and the furthest behind on roads, Western Pennsylvania. Go to West Virginia. We used to laugh at West Virginia. Go see what the roads are like down there. Go see the FBI agency that is going there, that is going to have 8,000 employees. A real estate friend of mine

was in West Virginia, they are already building homes, new homes because they know people are going to get the \$40, \$50,000 a year jobs in West Virginia and we are sitting here thinking about what one or two neighborhood activist are going to have to say. I certainly respect their opinion, but let's not be fighting seven, eight, years from now.

When I was first elected I was with Councilman Cohen at the JCC. Remember, and we had five, six hundred people talking about spine, a spine line, that was going to start at Forbes and Murray and go on underground and through the hill and all that. Well, everyone was panicking about that about how it is going to crack my house, my foundation, you knew this was going anywhere. This is like around the city, it is there, let's get the money and go after together with our legislators and our representatives in Congress and the Senate who have not brought bacon home here. I don't care who your friends are, they haven't delivered here. Maybe they have good reason, because we never support them united.

Let's go get the money, then let's sit here five years from now and debate where the exits are and what benefit is going to be better on this block or the next block or a quarter mile either way, or no exit. Bates Street - If Oakland doesn't want it, then hey, skip it. Hazelwood though is fighting for an exit. We are going to determine whether it is in the middle of Hazelwood or on either end. That is the kind of issues I like to be debate in. Let's have the money because a billion dollar construction is a lot of jobs and, Councilman Udin, I really respect what you brought up. Because let's make

sure let's have it together so that in five years from now if this road comes here that we make sure 75% of the workers are from the City of Pittsburgh and get a pay check from building.

**Mr. Cohen:**

Thank you, Mr. President. Sometimes I sit back and wonder whether any resolution that we pass by this Council on a major transportation issue like this is going to make any difference at all. I don't know if it will frankly. In any event it is before us and Councilman O'Connor does make some good points. I agree with many of the points that he has made.

One of the things about a non-binding resolution is that it also implies that it is general and that this is a general support of the Mon-Fayette Expressway. If that were the case, I could support it today, but as Councilman Ricciardi said, it really isn't in the sense that there are some real specifics here. Again, I commend Councilman O'Connor for researching the different alternates and deciding which one he thinks is the best one, but it specifically endorses Alternate 2, which is the red alignment. It specifically says that an interchange will not be constructed on the North Shore of the Homestead High Level Bridge. It specifically talks about CSX, Conrail and Norfolk Southern Railroad and trying to relocate real lines.

My point being, that this is quite a specific resolution and I would ask the sponsor if he would be so kind as to allow for us to have one week, one week. To be able to number one hear from the administration. We have not heard from the administration on this, at least I haven't. They have also attended every meeting and certainly the Mayor has a

position, and I would like to hear that position. I don't know what his position on Alternate 2 compared to Alternate 4 or Alternate 5. I think we need a little bit of time and one week is not a lot of time especially since there is one thing that happened after the Maglev resolution in Washington, and that is that Congressman Bud Shuster got into a little private meeting with two guys named Nute Gingrich and Dick Army, and Bud Shuster came out of that meeting with somewhere around a hundred billion dollars less than he had before he went into that meeting. Because of the budget conflicts up they're in the United States Congress.

My understanding, at least, is that because of that that whole transportation field, Iced Tea and Nestea have been put on hold. So, I know that nothing is happening immediately in Washington and I think it is worth a little of time for some other Council members including myself to be able to decide whether Alternate 2 is the best alternate. I would ask if we could hold this for one week.

**Mr. Hertzberg:**

Thank you, Mr. President. I spent some time at the public hearing that we held and I tried to do my homework on this Mon-Fayette, Pittsburgh extension. I am very supportive of Councilman O'Connor. I also emphasize with him. With the need to try to build a consensus among local officials at a meeting on a transportation project, primarily in Council District 2, a very good point was made when you look at a project that is underway now at the intersection of Routes 19 and 51 just outside of Liberty Tunnel and you see how quickly that particular project moved, it has moved like

nothing else has ever moved in this region. I mean it is under way here. We are under way in about two years on that particular project because everybody said we want it.

But when you get a mixed signal and I do think this Council's vote, support this resolution, is very important. I think when you get mixed signals from local officials and you are sitting in Washington, DC, and you say what do I need this controversy for? They all want it, yes. I think the big fact of that was brought up in our public hearing by State Representative Dave Leftansky who asked for the hearing was that the threat of this beltway taking precedence over the Pittsburgh extension of Mon-Fayette. That is a real threat, it is one I am very worried about. It is one when you look around this country and you look at the different beltways and what it has meant to the inner city the divestment that has taken place in the inner city, the investment that has taken around the belt ways, I have great concern and I think we need to act quickly. Get our collective heads together here and say yes to this. It is the best alternative. They have all been examined and it is still going to go through a zillion other things before it happens.

**The Chair:**

Maybe I am getting a lot older, but eleven years ago I started lobbying for the Hess Run Bridge on Butler Street at the foot of the zoo. It is only starting now, and it is at the design state. Now that was eleven years ago. That is just a little road bridge that probably legally we would be able to sue the state given its horrendous condition. That is eleven years on one little bridge. I don't want to be here eleven years from now talking about the

Mon-Fayette or Maglev or anything else.

Get the money and then we will argue all we can about the design, the impact, we will listen to everybody, we will be as democratic as can be but the get the money, then we will argue.

**Mr. O'Connor:**

Most of these things were addressed at the hearing. I know some of the colleagues weren't here the whole time. I have been to every hearing or sub-committee meeting and this is the alignment the Mayor supports. It was his initiative about the High Level Bridge not having a major exit there, which I agree with.

Again, he agrees with this. We can always detail it, but five more words in it more or less, I think if you feel more comfortable abstaining, then I would like to get this through because we have to send a clear message that we are going after the money. I think the Mayor has agreed to that. He or his staff, Steve Leeper, and Eloise Hurst said it ten times, because I have the tapes that they don't want the Maglev money to be lost for the Mon-Valley Expressway. So, I thought that was a real opening that he supports it on this side of the river. Again, done correctly. I don't think anybody is going to support anything that is not done correctly and I think we have gone over all the benefits of the river front etceteras. I would really like to put it on the table, because the money is there. We need to go after it. Let's not be talking about it ten years from now.

**Mr. Cohen:**

I talked to deputy mayor this morning. He's asked that -- Deputy Mayor Tom Cox, and asked that they have a week to be able to respond to this. So, if there is an implication that the Mayor supports this resolution today, that is not the correct implication.

**Mr. O'Connor:**

If they have -- the more we have to do it then if they are going to play politics, lets grow up. You are elected here to make decisions.

**Mr. Cohen:**

Not without the facts, Councilman.

**Mr. Udin:**

I just want to point out for colleagues that Oakland is a neighborhood that is shared by four different Council members. Myself, Councilman Ricciardi, maybe five, Councilman O'Connor, Councilman Cohen, and three of the four have expressed unreadiness to express support for this very specific capital proposal. I would think that that should weigh heavily on colleague's insistence on moving forward with this. Although it sounds logical to say let's just get the money, show me the money, that is not really the way it works. You have to have a very, very, very specific plan before they give up any money. They don't give you the money then tell you now go plan. So, the point, Mr. President, is that this is a very specific plan that is included in this non-binding resolution that three of the four Council members from the district have express unreadiness, I don't understand why the Councilman would insist on going forward with this

resolution.

**Mr. O'Connor:**

When it was in regards to the Review Board, you didn't want to hold one minute. Here is a report with people --

**The Chair:**

I don't think that is fair.

Excuse me, just as a point of order, we will let Councilman O'Connor have the last word, but procedurally the Councilman has a motion -- a non-binding resolution it has been amended, the Chair not hearing any other procedural matter, we are going to proceed with a vote.

**Mr. Cohen:**

I would like to make a motion to hold this for one week.

**MR. UDIN** seconded the motion.

**The Chair:**

Discussion on the hold? Role call vote on the hold.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Onorato
Mr. Ricciardi	Mr. Udin

**NOES:**

Mr. Cusick	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
	Mr. Ferlo
	(Pres't)

**AYES four**

**NOES five**

**The Chair:**

Other discussion? Closing comments?

**Mr. Onorato:**

I voted for the hold as a courtesy to the colleagues that represent the area in addition to Councilman O'Connor and now that we are going to vote on the resolution, I will support the resolution. I do want to add one thing, that is I think we have to seriously rethink how we introduce important non-binding resolutions, meaning giving courtesy to all Council members. This is not directed to just Councilman O'Connor. We are all guilty of it. We wait until the last minute because everybody wants to have the media head for it, and we all do it. But stuff like this, I think we should at least give a few days to review it. This is the second major transportation non-binding resolution that I was handed twenty-four hours before vote.

As I said, I probably have done it too. But I think in the future, so we don't have to debate should we hold it, shouldn't we hold it, we put ourselves into the position, if you vote for it you are for it, if you vote against it, your against it. When really the debate here is, some people don't have the info. Some of you have been active in an organization that are in the east end of the City for transportation, some of us in the south, the west, and the north might not be at those meetings because we are not on all of those boards, but when we come to a vote, we all deserve the same courtesy back and forth.



So maybe from this point forward at least

**The Chair:**

Let me, to be fair to you, I think it's a legitimate criticism and I would ask Councilman O'Connor -- I am going to change my vote. If we can recess this meeting today, that there is no objection can we have the individuals that you are requesting at the table tomorrow. I know it will be a longer meeting. I don't no that any thing more is going to get said. I think the Planning Director is going to come to the table and Deputy Mayor Cox and basically they are going to recharacterize what they have said at the post agenda and various hearings, but out of respect for some of the criticism -- would there be objection to just holding this tomorrow because we are recessing this meeting, we can have an opportunity for Director Hirsh or anyone else to come to the table and discuss this? Is there any objection to that to be fair to -- I am trying to find the middle ground here. I am requesting Councilman O'Connor

**Mr. O'Connor:**

Again, I would respectfully bring Eloise Hirsh and Deputy Mayor Cox to the table tomorrow so if there are any questions because there may be things I don't know that they are moving. But I have to move this forward. Tomorrow is fine with me, I am willing to work with the Mayor. I have made a personal call to him to work with him on this. I think it is very important. So I am willing to bring the Deputy Mayor in and Eloise Hirsh to the table tomorrow.

**The Chair:**

Okay. Please change my vote and what we will do is we will recommit this bill and we will as the clerk to please inform Deputy Mayor Cox and Director Hirsh and any other relevant individual to be here tomorrow. If there are any other additional fine tuning on language from Mr. Ricciardi or Mr. Udin or any colleague, if we have any other reference to any other amendments for tomorrow we can fine tune the where as'. Any objection to that?

**Mr. Cohen:**

Just very briefly. I think it's a goods compromise. My motion to hold is not in order to gather opposition to this or to derail it in any way. It truly means I just don't have enough facts yet. By tomorrow, hopefully we will.

**Mr. Hertzberg:**

One final point. I really I am sorry to say this, but I don't think this is about Oakland. This is about region here. I ordinarily do give a lot of difference to the particular Council member for talking about a rezoning of a block or something, but this is a regional project here. Although I have heard what everyone has to say, I think we have to act regionally here.

**The Chair:**

Okay. We are not going to take final action. We are going to move tomorrow and final action on the Mon-Valley resolution being offered by Councilman O'Connor. We will have the representatives at the table tomorrow to finalize the issue. If any colleagues have any other fine tuning amendments, please talk to Councilman O'Connor tomorrow

and again I want to remind our colleagues we will start off first thing tomorrow under Chairman Udin with the interviewing of the candidates that show up tomorrow for the Civilian Review.

With that, thank you for your patience today and your cooperation.

**Mr. O'Connor:**

I have one issue that I think is very important. Mr. Udin you have a different issue. I don't want to belabor this issue, but there was a child that died in the City, a five-month-old child last week under very sad circumstances in one of our housing communities. I just spoke, and again, I am not doing it as adversarial, I met with Mr. Lowe when he left today. There was a lot of controversy how these things are aloud to happen or they happen. I would ask Councilwoman McDonald and this is Mr. Lowe is actually requesting this after our conversation. Maybe meet with Council and address some of the problems they have in the housing community and how we can better help so something like this never happens like this again in our City.

**The Chair:**

Councilman Udin is on the Board of Housing Authority.

**Mr. O'Connor:**

I am sorry, I thought she was.

**Ms. McDonald:**

I appreciate Councilman O'Connor's involving me in the discussion because the committee - in fact myself and

Councilman Onorato have kid about that all the time about the over lap and who knows whose committee is going to come out of it or what board member is involved. We all serve on various boards and authorities.

I would be more than happy to be involved in that. Councilman Udin is a commissioner on the Housing Authority Board. I am aware of the individual who was fired for that. I am concerned about the circumstances not the fact that we was fired but the circumstances that would prevent any officer any employee from reporting information. I don't care if it is in your contract or not. It is what they call be a human being first and foremost and report a problem.

I think all the employment responsibility and collective, that is secondary to you doing the right thing. I would be more than happy to be involved in that. I don't know whether you - there should be a post agenda or what.

**The Chair:**

I think this is just grossly unfair and wrong to characterize this tragedy as anything just peculiar to public housing communities. There are all kinds of issues and involving the death and the destruction of small children as it relates to our neighborhoods and families and it involves CYs, the court system, it may nor may not have happened at a public housing setting or community. There are a whole host of governmental and social issues that we could bring up here regarding these tragedies. Maybe it is time now for Council to talk about that, but I would suggest strongly that we not isolate it peculiar to this one incident or to the

Public Housing Authority Board or staff or community that we if you want to take on this issue and talk about it and rightfully so I think we could do it in a post agenda format but there are any number of agencies including COYS that we need to bring to the table for frank discussion.

Every one of us in our districts, I know myself, I have continually been involved in communicating with CYS on behalf of my neighbors, and it has nothing to do with public housing. But there is a lot of young children out there that are abused. They are not being taken care of that are on the street all hours of the day. They are not in school, that has physical marks on them. They come out and complaints in my office, I am sure all of us get those concerns by neighbors that call in with frustrations about three, four-year-old kids on the street.

It is a broader issue and not peculiar to this one tragedy or the public housing community. So if we are going to get into it, I think to be fair, let's really lay out a scenario where we can have the elevated discussion at the table and really get something out of it.

**Mr. O'Connor:**

Then I will head that up. That is even better. Because what we looking at workers not reporting things I am looking at maybe police officers thinking it is not my job, or cross walk or anybody in the public sector including us. We as elected officials, this isn't a third world country, and I am shock that it happens anywhere in Pittsburgh. As you say, it is going on and we don't know about it. Maybe it is our duty to bring the right people to the table so that we start leading the charge as we

do in Council.

**The Chair:**

I think other than the celebrated case you mentioned and the tragedy, I think you will be shocked about the magnitude of the problem and the severity of abuse among young children. It is not peculiar at all to public housing community. It is not even peculiar based on income or neighborhood.

**Mr. Udin:**

I am just bringing to my colleagues attention the fact that one this matter is currently in the coroners judicial process. That is number one.

Secondly, the housing authority is taking up the question with regard to the policies that surround it. If nothing were being done, I think it would appropriate for Council to intervene and to take some action and to look into it. But things are being done.

My request would be to give those processors a chance to expire before Council steps in. I think it is a little bit premature.

**Mr. O'Connor:**

I will agree with that. I don't want to isolate this one incident because I think Council after this is finished, Mr. Lowe even asked to give a report of what is going on at a later date. I don't say next week. But it is something I don't think we can just let go by. As an elected official, I can't just sit here and let this happen.

**The Chair:**

I don't think we should either but I think we need a discussion involving CYS, but it also involves their funding of what did judicial and county commitment in the operating budget to fund CYS so they can actually do their job. There is so many issues that we need to talk about. Maybe Council needs to be the bowling pulpit on this issue. I applaud you for bringing it up. I hope when we do bring it up, it can be done in broad enough way to really have an impact and make the kind of institutional change that we need in this County.

Any other discussion or comment? Hearing none. I am approving the minutes and this Legislative session stands recessed until tomorrow. Thank you.

## UNFINISHED BUSINESS

### The Chair:

I would like to reconvene City Council's recessed Legislative Meeting of yesterday. The purpose of the meeting today as far as being recessed was to take final action on the nomination and the recommendations for the individuals, seven citizens, who will serve on the Civilian Police Review Board and we conducted an extensive interviewing process not only this morning, but even prior the to advent of the individuals appearing at the table today. At the this time I would ask that the Clerk -- we will dispense with the reading of the role, but I want to ask that the clerk please read the

nominations and the bills.

### THE CHAIR PRESENTS:

No. 2395 Resolution authorizing the Appointment of Robert Kroner, 188 46<sup>th</sup> Street, Pittsburgh, PA 15201, as a Member of the Citizens Police Review Board, term to expire October 31, 1999.

Which was read.

Also,

No. 2396 Resolution authorizing the Appointment of John M. Burkoff, Esquire, 6104 Kentucky Avenue, Pittsburgh, PA 15206, as a Member of the Citizens Police Review Board, term to expire October 31, 1999.

Which was read.

Also,

No. 2397 Resolution authorizing the Appointment of Leslie Lewis, 537 Finley Street, Pittsburgh, PA 15206, as a Member of the Citizens Police Review Board, term to expire October 31, 1999.

Which was read.

Also,

No. 2398 Resolution authorizing the Appointment of Diane DePalma, 3549 McClure Avenue, Pittsburgh, PA 15212, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

Also,

No. 2399 Resolution authorizing the Appointment of Marsha Hinton, 120 Auburn Street, Pittsburgh, PA 15206, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

Also,

No. 2400 Resolution authorizing the Appointment of Charles A. Peters, 1817 Sarah Street, Pittsburgh, PA 15203, as a Member of the Citizens Police Review Board, term to expire October 31, 2001.  
Which was read.

Also,

No. 2401 Resolution authorizing the Appointment of Rev. Toussaint Hill, Baptist Temple Church, 7241 Race Street, Pittsburgh, PA 15208, as a member of the Citizens Police Review Board, term to expire October 31, 2001.

Which was read.

**The Chair:**

Colleagues you have heard the reading entitled the resolutions appointing the nominations that we have received them from the Mayor. Any discussion on any issue and/or issues relative to the appointments?

**Mr. Cohen:**

Mr. President, thank you very much. After hearing from all of the nominees for close to three hours, I am prepared to vote for every single one of them. I believe that what came out of the

discussion for me is that every nominee to this board has a strong sense of self and a strong sense of community. I am convinced after listening to them that they all have backbone and that they will not be swayed one way or the other. I think this board represents a remarkably diverse group of people who are independent, fair minded, and will have the potential to bring credibility to an inaugural Civilian Review Board. I didn't see extremists on either side. I am very proud to say I am ready to vote for all of them.

When the citizens of Pittsburgh voted for a Civilian Review Board on May 20 of this year, the responsibilities fell on our are laps and that is the referendum on the ballot was a vague 75 word statement regarding independence citizen review of police abuse cases. It fell really to us and to the mayor to create a new body do draft legislative, to grant it powers and duties and to pass and initial budget which really didn't get much discussion here today and to appoint this inaugural board despite the controversial nature of the issue and despite the deep divisions in our community, the divisions on this Council, and the division between this Council and the Mayor's office, we achieved this goal. And with our vote on these nominees our task is completed. I want to congratulate Council and the Mayor and the citizens for police ability and all the citizens who worked so hard on this. I want to commend Councilman Sala Udin who introduced this legislative before many people new about it and before it was popular and congratulate Council and the Mayor for rising above our differences to pass legislation and appoint this board.

Responsibilities kind of now passes to the new board and with the pretty

deliberate speed they have to choose a Chair and a vice Chair and hire a staff and receive training at the police academy and also in civil rights, and they have to adopt rules and procedures governing their operations. More important they have to choose cases and act on them in a prudent and responsible way. You need to instill confidence; they need to instill confidence in the Board before they can restore confidence in the police force. But an equal if not greater responsibility now passes to the people of Pittsburgh.

We all have to work together to overcome the racial division in our community. And if we are going to move forward as a city and if we are going to move forward on any of these fronts whether it be insuring public safety or creating jobs or restoring our neighborhoods, we have to do it as one community, not as two. So this is going to require sacrifices of all of us including myself. We all have to overcome some mental barriers.

For the citizens who voted against the Civilian Review Board and even those who fought against it, I ask that you give this first board a chance. Don't look for reasons to criticize it, look for reasons to support it.

To the Fraternal Order of Police and rank and file of the Pittsburgh police force, please give this board a chance. I know that is going to be hard. For most of you, you will never be called before this board, but some of you will and of course your constitutional right will be protected but if you are called before this board, I ask that you speak to them. That you use it as an opportunity to tell your side of the story. I believe it will serve you better and

ask you that you prejudge this board and ask that this board not prejudge you.

For those of you who fought for board, recognize it how difficult it is to perform the job of a police officer. They are charged with the task of protecting citizens. It is a dangerous job. It is one that split second decisions, decisions that can't be made with all the facts and can't be made with careful deliberations. Please do everything you can, I know this is hard but do everything you can to ensure that frivolous complaints are not filed with the board for rather complaints of substance. Do everything you can to work with the police to achieve the goal of the most professional police force in the United States of America.

During this process, we talked a lot about different segments of our city, police, citizens for police accountability, blacks, whites, young, old, geographical difference. I think now is the time for all of us to come together and to rebuild a single Pittsburgh community. So today doesn't mark the end of a process but rather the beginning of a process. For a new board and for a continuing vigilance of all the people of Pittsburgh.

**Mr. Hertzberg:**

I am going to be voting for all seven nominees. I think they are all excellent nominees for this Civilian Review Board. I think it is a diverse group of people and very talented as well. I am a little disappointed that couple of factors didn't seem to be balanced, but I realized that we can't have perfection in diversity, but I am hopeful that the seven members, I am assuming that they will get a majority vote that they will some how try take into

account the fact that not one of them seems to be average kind of Joe, we don't have just the basic factory worker, or construction worker or fast food restaurant employee, someone of that nature, but after hearing from the seven of you, I think you will be able to make adjustments and to see things from that view points. I think that is what the public may have been looking for with this Civilian Review Board.

I think a lot of people, although it was a Civilian Review Board they changed the C from Civilian to Citizens and what they thought they were going to get a lot of average every day citizens. I am confident of the 7 of you will take that into account and the work that you do. Geographically, I can see almost every one of the nominees here in the room, including Mr. Peters who would be the only person south of the rivers. I hope he can keep that in mind, and everyone else can keep that in mind that there is a large population perhaps even the majority of the city, I don't know the exact numbers, that are south of the river. I am very supportive and very hopeful that we can work through this board. The comments that came from the nominees are give me reason too be optimistic that the police can be made better off as well as the citizens and we can work toward improving the relationship which is the bottom line.

**Mr. O'Connor:**

I look back this was really a divided Council about a year ago. We came together and worked very hard and certainly made a divided decision, whether it be 60, 40, or whatever the final vote was. I am for and against the Review Board. Since it is here, I don't believe if

you had a wish list when you start that you could pick seven names that are this qualified and I think very fair and open minded back ground. I do know almost everyone of them. But hearing them speak hear today, I learned and have had more respect for them because of their back ground and then the challenge of what the job they have.

So as council, I know some of you lobbied us to have a unified vote and I believe we did. I hope every one on Council can support and we can come out of here unanimous vote. I again -- I want to commend Council and the Mayor for their nominees and certainly the people that will be hopefully nominated in a few minutes. The challenge they face is an extreme challenge but I think they are the best-qualified people I could find. I really want to commend everyone on their choices and I wish them luck.

**Mr. Onorato:**

I too after the answers to the questions will be supporting all seven. Even though initially I had some concerns when it was brought that two of the nominees belong to the ACLU. But through the questioning it also appears that two of them belong to the F.O.P. I think the questions of those four individuals Professor Burkoff, Mr. Kroner and Mr. Peters and Commander DePalma, I think it was clear by their answers that the two members that are part of the FOP were not part of the advocacy in this debate over for or against the Civilian Review Board as an individual and I think the two members that belong to the ACLU made it clear that they did not participate in the ACLU lawsuit and they don't participate even indirectly through meetings.

I initially was talking to Councilman Cohen on the side and I talked professor Burkoff, and when I first heard the answer, but now that I look at the big picture of all seven I think there is another issue here that gives me comfort to vote for all seven. I think there is sort of a hidden check and balance to this whole thing, and that is these seven members are going to be in a room together deliberating on issues. We all have our own biases about our upbringings and what we experienced in life. I am sure these seven do too. While some of them might belong to certain groups that I don't like, there are some here that might belong to some groups that my colleagues don't like. But the seven being in a room though, I think will be a good check and balance on deliberations process when they go back and forth.

I also believe the answers they gave to the questions that they will do everything they can in their powers to try to remove their own personal biases and come up with a fair and objective decision and I am prepared to put the seven on of them on the board together.

**Ms. McDonald:**

I would likewise am prepared to vote for all 7 candidates. You know no one is going to be satisfied with absolutely all candidates just like most people were not satisfied with all nine nominees that were sent over to the Mayor's office. But I think this whole process we have come up with a balance and I stress balance because it is just like night and day. If you had all daylight, you would get sick of that. If you had all nighttime, you would get sick of that. You need a balance. That is critical

in life to have the best society and best city that you can have is moderation.

I do believe that these seven individuals, they are going to be different opinions and different biases, I guarantee from what I have heard here at the table. There is going to be a little bit but that is absolutely needed to be come up with a fair objective truthful decision. You are going to need a balance. You are going to need moderation. Often times we don't see that. We only see one side, we see this side. So I am hoping this body will come together and hash it out and come out with the rules needed to make it work and I echo Councilman Cohen's sentiments that the city of Pittsburgh as different groups whether your pro or against or whatever, give this body a chance to do its work.

I would hope that Pittsburgh as much as we bid on it as the City of many respects, we can also be on the for nationally in this respect. We can have police force and have citizens representation and believe it or not they can actually work together to move this City forward in terms of a positive relationship. Again, you have a difficult job but I do believe that all seven members are up to it and again, I like the diversity and the moderation that I am seeing.

**Mr. Udin:**

I think I am feeling kind of a post partum separation here. Because I really am in my own mind giving this process over to this review board. It is theirs now and they have to make it work or not work as we look across the country at different at review boards or different groups that were described as police review boards, we found a lot of success and we found a



lot of failures. It is not automatic that just because you create something called a review board that it's going to work. And that was what my concern was and to some extent still is with regard to fighting for their independence.

It is critical to me that this board is independent and that we protect the independence of this board. I was concerned of that about their independence and some of the Mayor's appointment. I was afraid that the Mayor was continuing his opposition to the concept of Citizens Police Review Board through his appointment. And to some extent that concern has been validated and in other instances it has been dissipated. I was concerned and to some degree still am concerned about the board being dominated by people who might have a bias in favor of the police. I think the reason why we fought so hard around issue of limiting two slots to law enforcement professionals, was the concern that the police are at least in my view the police already had one police dominated review system that's the OMI. They don't need dominate this one too. This needs to be a citizens controlled review board not a police dominated review board. And that was my concern that I raised yesterday about whether or not Professor Burkoff was more police related to the extent that he might be a third law enforcement nominee of the Mayor along with Mr. Palmer and Mr. Kroner. I was very pleased with Mr. Burkoff presentation today. It is clear that the honorary chief of police was more a symbolic award than it was a real function on his part in some law enforcement capacity and so the concern I had yesterday I do not have today.

I do not believe that everyone who

is on the board must have voted for the review board. There are some people who support citizens review who wouldn't have voted for this particular bill just because they believe it is not strong enough and there are those people out there. However, I do think it is important that all board members of the Citizens Review Board do at least believe in the concepts of citizens review. That's an important concern that I have. I'm sure that all seven of them do. But I think that it is important that the board have the unified and unanimous support of this Council. And I intend to vote for all seven of the nominees. I hope that they will consider the concerns I just expressed here today and that other colleagues have expressed, but I think that the Board has to know that they have the unanimous, unified support of this Council and I will be voting for all seven with those reservations.

#### The Chair:

Any other discussion? I don't want to repeat myself from earlier, but I find a humbling experience actually to be able to cast a vote for these seven individuals because we have had hundreds of people that have struggled long and hard to bring about the systemic change in City Government that we wanted to create this board. And equally we have had hundreds of good citizens come forward that were willing to volunteer their time and put a lot of commitment out to serve on this board. And from that tremendous list of individual residents and citizens we had to glean a list of seven individuals. I believe that we have seven individuals that truly are independent and will have a high degree of integrity and have demonstrated that in the line of questioning today.

I wish that the chapter on civilian review actually be closed today with council's confirmation of the seven nominees, but the final chapter is far from being written. I think we have to remain constantly vigilant, we still have individuals and/or organize groups in the City of Pittsburgh that steadfastly stand in opposition fundamentally to the belief or even the need of having a civilian oversight board. I think that is unfortunate. In the case of the FOP, I do respect the fact that they have leadership including Union leadership that believes that they are fighting for the best interest of rank and files membership of their Union. I have to disagree with that. I think it is very important that we move forward, there are people from the left and people from the right that are probably hoping for actions by this board that are probably not going to be forthcoming because the ordinance itself has limiting aspects of what their obligations and duties and responsibilities are. It is not going to be the vehicle to resolve all of the kinds of problems and issues that we are struggling with here in the City of Pittsburgh.

I believe we have seven outstanding citizens that represent a lot of diversity. It is true maybe there's maybe a geographically imbalance to some extent, but I would hope that integrity and justice know no geographical boundaries. We need to provide oversight though. It is true that this board is truly independent and we have given them some resources, they have to relay to the executive branch in order to get an office and execute a contract and hire staff and I would hope that they remain independent on that respect and do the things they need to do to bring about their own leadership and their governance and their regulations. I

would hope though that they would continue to communicate to Council. We are open and I think the public is open for the learning process that is about to unfold. If there is fine tuning that is needed in the legislation mandate in the written word of the ordinance, we look for guidance from the seven individuals. If there are resources that are needed in order to fulfil what you feel are the obligations in the mandate of the ordinance including whatever it takes legally too to defend the basic intent of this ordinance against any challenges from anybody in this city or else where. We, at least I, want to make sure I provide whatever resources you need in order to do that. I'm not saying let's look for a legal challenge or fights. I am only saying that we want these seven individuals to fight tooth and nail to defend the integrity of this ordinance and creation of the need for this Civilian Police Review Board. We are not going away. You are not going away. And unfortunately for right tomorrow some of the problems that we have enumerated today are not going away. This is an ongoing process.

Nothing is in concrete. We look to this board to communicate back to Council as a legislative body during budget proceedings throughout the year when there is advocacy action on your part relative to a public hearing process that you may initiate or run any public issue that you want to take on pursuant to the ordinance and in addition to the individual cases that you may mitigate out so we are not going away. We need to be partners in all of this.

The bottom line is we wanted safer City and we want the highest degree of trust between the residents and our

uniformed officers and we want uniformed officers and their families to feel safe when they go out on the streets and one of the main reasons I fought so hard for the Civilian Review is because I am a proponent of community oriented policing something that is still is yet to be achieved in this city. And if I had to be critical of the mayor and the administration, it is that they have kind of dropped the ball on this philosophy. We have not gotten there yet, and to me the creation of the board and the basic principal of high degree of trust between the police and the residence is paramount to the success of community oriented police. You can't do proactive policing in this City if there is not a high degree of trust. You cannot resolve and solve murder cases especially in certain communities unless there is a high degree of trust and report between the residence and the police. I am proud to cast a vote for all seven nominees today.

Any other comments or discussion? I would ask for a role call. If there is no objection now, we will vote on all seven nominees as read. Unless there is objection, Clerk, please call the role. If you are in favor of the seven nominees, please vote aye when your name is called. If opposed, vote no.

Ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Ricciardi	Mr. Onorato
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES** Eight      **NOES** None

And a majority of the votes of the Council being in the affirmative, the appointments of Mr. Kroner, Mr. Burkoff, Ms. Lewis, Ms. DePalma, Ms. Hinton, Mr. Peters, and Rev. Hill were approved.

**The Chair:**

All of the nominees have received the majority vote and are therefore confirmed and we have fulfilled our obligations. We would also ask that the Mayor set up formal proceedings for swearing in and taking of the oath. We invite the public and the community to be present also. Is there any other matter?

We'd one other issue, Councilman O'Connor on the issue of the Mon-Fayette Roads and I believe he is going to hold off until next he has come to a resolution with the administration on that.

**Mr. O'Connor:**

Yes for the sake of time, I am working with the administration, so I would like to hold that until next week.

**The Chair:**

With that, hearing no other matter of business, the Legislative Session stands adjourned and we will immediately go back to the Standing Committee Meeting chaired by Councilman Udin.

Any other comments or discussion? I would ask for a role call. If there is no objection now, we will vote on all seven nominees as read. Unless there is objection, Clerk, please call the role. If you are in favor of the seven nominees, please vote aye when your name is called. If opposed, vote no.

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Mr. Ricciardi	Mr. Onorato
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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, October 7, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone. We have a special hello to all of our guests in the audience here this morning. We want to move quickly through this meeting, and at this time would you please rise for the pledge of allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young student here this morning. She is in

the fifth grade. Her name is Rachel Nard. She is accompanied by her mom and dad, Linda and Mark and her grandmother is here, Anne Nard. They are in Councilman Onorato's district and we are very pleased that Rachel will lead us in the Pledge of Allegiance.

#### Rachel Nard:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

#### The Chair:

Thank you. Thank you, Rachel. We appreciate you coming down here.

Rachel goes to John Morrow Elementary School in Councilman Onorato's district. Our City Clerk has presented you with a flag of our nation.

#### PRESENTATIONS

As I said, we have a lot of guests in the audience this morning. At this time I would like to call on Councilman Hertzberg.

#### Mr. Hertzberg:

Good morning. Ed Henke and the rest of the individuals here with him please come forward.

Council members, you may have seen in the Pittsburgh Post Gazette last week there was a picture of some high school students from Langley High School standing on top of a piece of plywood and underneath the plywood were paper cups and there was a demonstration put on for a physics class there. And the resolution that I am going to present today is in honor of Mr. Edward Henke who has just won a nice grant from the Milken Family Foundation.

**MR. HERTZBERG PRESENTS:**

No. 2403 WHEREAS, Ed Henke has been a Physics Teacher in the Pittsburgh Public School System for the past 23 years at Gladstone, Perry Traditional, George Westinghouse, and Langley High Schools; and

WHEREAS, Ed Henke has been receiving awards for his work in teaching for the past several years, such as the Excellence in Science Teaching and the Distinguished Achievement Awards from the Pittsburgh Board of Public Education and the Recognition for Outstanding Science Teaching and the Outstanding High School Physics Teacher in Allegheny County Awards from the Sigma Xi Research Honor Society for Scientists and Engineers; and

WHEREAS, Ed Henke developed many innovative programs for students, such as Physics Demonstrations for the Carnegie Science Center, for Kennywood Amusement Park (involving the Steel Phantom and Pittfall rides), and for the Discovery Channel; and

WHEREAS, Ed Henke won grants in 1988 from the Westinghouse

Corporation for \$1,200.00; and in 1992 from the Pittsburgh Supercomputing Center for \$25,000.00; and

WHEREAS, because he has exceptional talent and promise evidenced by outstanding practices in the classroom; originality, dedication, leadership, self-direction; commitment to influencing policies that affect children, and distinguished achievement in developing innovative education curricula, programs and/or technology in teaching and learning; on October 1, 1997, Ed received the National Education Award of \$25,000.00 from the Milken Family Foundation;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Ed Henke for receiving the prestigious Milken Family Foundation Grant, and thanks him for the extraordinary work he has done on behalf of the Teaching Profession and for the students who are recipients of his talents and dedication.

**MR. RICCIARDI** moved to adopt the resolution.

**THE CHAIR** seconded.

Which motion prevailed.

**Mr. Hertzberg:**

Thank you. Congratulations. Next to me is Ed, his wife Janet, is also here. Joe Zurich is here Vice-President Pittsburgh Federation of Teachers Nancy Ewing, also with Pittsburgh Federation of teachers, and Larry Hubbard the Vice-Principal at Langley High School where Mr. Henke is now teaching.

Congratulations, Mr. Henke. Say a few words please.

**Mr. Henke:**

I want to thank you all for the recognition that you have all provided today, not just for myself, but for the teaching profession. I want you to know that the Pittsburgh Federation of teachers and the City School Board did not have a situation in which they worked so well together none of this would have been possible. Thank you very much.

**The Chair:**

Congratulations. Mr. Zurich do you have any comments, or Ms. Ewing, any comments from the PFT. All right see ya, Nancy. Thank you, congratulations.

Councilwoman McDonald has a proclamation on behalf of all colleagues.

**Ms. McDonald:**

Carol Brown please come forward to receive the resolution. This resolution is presented to Ms. Brown on behalf of the entire body of the City Council, which we are all sponsors and I will read the resolution and make some remarks and Carol I am sure you are used to this mic.

**MS. MCDONALD AND ALL COUNCIL MEMBERS PRESENT:**

No 2403 WHEREAS, on October 8, 1997 the Board of Trustees and the staff of the Pittsburgh Cultural Trust will celebrate the Tenth Anniversary of the Benedum Center for the Performing Arts and its decade of progress; and

WHEREAS, the Pittsburgh Cultural Trust is a non-profit organization established in 1984 to assist cultural and economic growth in downtown Pittsburgh and the surrounding region; and

WHEREAS, the Trust, under the leadership of President Carol Brown, has transformed the Downtown district to now include the Byham Theater, the Harris Theater, and the Wood Street Galleries as well as the Benedum Center for the Performing Arts; and

WHEREAS, the effective utilization of the Federal Urban Redevelopment Action Grant and the commercial and cultural growth within the City of Pittsburgh as a result, have maintained their vision and insured that resources of the region are put in service of cultural revitalization, thereby endowing the community resendent.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh recognize and commend the Pittsburgh Cultural Trust for the tremendous contributions to the cultural and social life of the Pittsburgh Metropolitan area.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**Ms. McDonald:**

We have had Ms. Brown up here a number of times and she is no stranger to Grant Street because the cultural trust does work hand in hand with the City of

Pittsburgh. I remember in my younger days being told when I had to travel downtown on the bus that there were certain areas of down town that I was not to venture into; and I was not to walk those streets. One of those areas is now one of the very nice regions of our downtown area in terms of performing arts. It has transformed from an area that I was told not to venture into to an area I look forward to going to because of whatever destination point I am to go to for performing arts, to eat, whatever, and I do have to thank you the cultural trust.

We take it for granted because it has been a long involved process. It is still going on with now the river front development but again if we just go back and see--let's go back, I was told ten years ago, ten years ago on Tuesday, October 6 1987, world renowned Tenor Luchiano Pavarotti starred in the Pittsburgh's opera first performance in its new home at the Benedum Center for the performing arts. A record crowd of 2937 gave Pavarotti 5 standing ovations for performances described as a knock out. Again, we have Carol to thank for her leadership and if had not celebrated some of the performances there, I saw Ms. Saigon. I look forward to many more performances that are just excellent. So, Carol, without further ado.

**Ms. Brown:**

Thank you Valerie and all of Council. As Valerie said, it is no secret, and the Pittsburgh Cultural Trust has had a wonderful working relationship with the City of Pittsburgh since it was formed in 1984. In fact, the initial financing for the Trust to purchase the old Stanley Theater, which was a run-down rock house, when we purchased it in 1984 was effective

through an Auditorium Authority Bond issue that the City and County joined in creating and that provided us with the initial money to buy the Stanley Theater, seven half million dollars. The project itself of renovating it into the Benedum Center for the performing arts was at \$45 million project? So it all began with a classic private public partnership to create what is now a well known around the world cultural district. I think the Trust and the performing arts organizations who are in the district will continue to enjoy a great working relationship with the City. I hope we have more than repaid our seven half million dollar debt.

Valerie mentioned Ms. Saigon, we have done an enormous amount to change the real estate tax base in the district and to create jobs. But we also directly supported--the city might be interested in knowing about Ms. Saigon since Valerie mentioned it. We are now trying now to book a blockbuster show every single year. I am not supposed to say it, but Phantom will be back soon. But Ms. Saigon brought people from 40 states and 1100 zip codes. Can you imagine that? They came into our City and they ate in our restaurants and shopped in our shops. It also generated almost \$300,000 in amusement tax directly to the city.

So we have had this wonderful collaborative partnership and the City is now helping us again build our fifth theater. The new home for the public theater and to stop down and look at the river front, there is an eight story red crane, barges, the whole works, the parks are under development. None of that could have happened without close working relationship between the Trust and the City. Thank you very much.



**Mr. Cohen:**

We are not done yet. I just want to take an opportunity to thank Councilwoman McDonald for introducing this. I wanted to do a proclamation for Carol Brown but she beat me to the punch. I just want to congratulate Carol and the Cultural Trust. I don't know if I can think of anybody who has contributed more to Pittsburgh than Carol Brown. What is going on down there is a transformation, an incredible transformation, which has become a magnet for thousands and thousands of people to the heart of Pittsburgh. And that includes all the theaters from Heinz Hall to the Benedum to the Byham, to the Harris to the new Public Theater, the Wood Street galleries

I serve on the facilities management committee of the cultural trust. I love going to those meetings when I can, because its so exciting and we hear about all the things that are happening down there without a lot--in fact, without very much city money. Frankly very little City money has gone into that transformation.

I want to congratulate you Carol and everything that the Cultural Trust is doing.

**The Chair:**

Councilman O'Connor on behalf of all our colleagues. Councilman Onorato on behalf of all colleagues.

**Mr. Onorato:**

These are sponsored by all.

Anyone here associated with the

Columbus Day Parade or with Ms. Matalia and anyone who wants to be Italian please come forward. As they are walking forward, Mr. President, and colleagues, and members in chambers, today we do have a Maria Dinardo, thank you for being here today, Guy Costa, Joe Zattola and Mike Acquaviva, and Marleen--is she coming up too? Where is Marleen? Marleen Rende-Cassidy. I am going to stress the Rende. This is the one time of year that we stress that name first, Marleen. Marleen is very active too with the Italian Columbus Day Parade and other activities this weekend.

I am going to read the proclamation, Councilman O'Connor has a different proclamation for a different event, mine is for the parade and then we will hear from some of the individuals that are responsible for pulling both of these events off.

**MR. ONORATO AND ALL COUNCIL MEMBERS PRESENT:**

No. 2405 WHEREAS, the 13<sup>th</sup> Annual Pittsburgh Columbus Day Parade and Festival will be held on Saturday, October 12, 1997; and

WHEREAS, the Columbus Day Parade and Festival Chairman, Guy Costa and Parade Director Art Trunzo have worked hard to again assure an exciting, entertaining, and musical event commemorating the discovery of America by Christopher Columbus in 1492; and

WHEREAS, the Grand Marshall's for this year's parade will be representatives of each member group of the Coalition of Italian American Organization; and

WHEREAS, due to the success of the participation of the Navy in last year's event, several U.S. Navy units will participate in the 1997 Columbus Day activities; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates and commends the 1997 Pittsburgh Columbus Day Parade and Festival Committee for their dedication to making this annual event a success.

**MR. HERTZBERG** moved to adopt the resolution.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

I want everyone to remember it is this weekend. This is a very busy weekend in the City of Pittsburgh with the Pitt Notre Dame Game. We will stress that's later in the day. So, you can make the parade and still make the Pitt game at 3:30. The parade is early; so get up, get to town early and spend the whole day in town. We would appreciate it.

Guy, let me give you this and if you want to say a few words, then we will turn it over to Councilman O'Connor for the other proclamation.

**Mr. Costa:**

Thank you, Councilman Onorato. Thank you City Council members, without your help and the City of Pittsburgh's help we wouldn't be having our 13th annual

parade this Saturday. Again, the parade starts at 11:00. I will have our publicity director Michael Acquaviva speak more on behalf of the parade. But we are really appreciative. We are proud community as Italian Americans, all nationalities in the City of Pittsburgh are proud to show their proud heritage. At this time you want to do Bob's? We will have Mike to talk about the parade a little bit.

**Mr. Acquaviva:**

Thank you very much. Mr. President and Council members very much thank you for being here. Guy, thank you. I just want to mention that Joe Zatolli gave me his time, so I will be a little long.

The Columbus Day Parade is the 13th Annual parade. It is going to start where Guy said its going to start and ends up at Station Square and there is going to be food, and our best thing we are going to have 130 units, great musical parade.

You won't hear about it in the media, unfortunately that's the way that goes. But certainly spread the word. As Guy has said, and some of us have said, its a good day to turn off the television set and take the children and grandchildren downtown to see some live entertainment without any cars being blown up on TV and so forth. It is really a nice affair.

I am going to take Joe's time now to tell you a real quick story. 100 years ago, a 16-year old Italian girl walked with her uncle down a mountain and across the valley up another mountain, another valley, walked for miles and miles to a boat in Naples and came to this country alone. The uncle just walked her to the boat; she came alone with a piece of paper.

On the paper it had a name of an individual who came from her own village. She met that person in Pittsburgh, settled down, married eventually, raised a family, children and then had two grandchildren by the way. She was the grandmother of Frank Luccino incidentally. When I interviewed Frank and he told me this story he became very emotional and he said I never realized that this little tiny 16 year old girl had all this courage to come here not knowing what was going to happen. But in order to raise a family to have a better life for a lot of other people, for her children, and that seemed to be the tradition of the Columbus Day Parade. Frank, of course, is the founder of the Columbus Day Parade and the whole purpose of the story is to remind us that we owe a lot to all of our ancestors. We may all have come--our ancestors may all have come here on different boats, but we are on the same ship now. The whole idea of the Columbus Day Parade is to remind us that we are altogether as a community. Thank you very much. Hope to see you there.

**Mr. Onorato:**

As I stated earlier, what you just heard was the Columbus Day Parade activity, but this is really turning out to be an Italian weekend from Friday all the way through Sunday. The proclamation that Councilman O'Connor has talked about the other events. Councilman, we always like to kid him even though his name doesn't end in a vowel, it begins with a vowel, so we will allow him to read the proclamation at this point.

**Mr. O'Connor:**

You mentioned that we had a pull a

lot of strings. I called Rome, I didn't want the Irish Notre-Dame guys interfering with our parade. So we moved the Notre-Dame game back to 3:30. There are no excuses to miss the parade this year. It is a great event and we wish we did have a little more publicity, but hopefully this will kick it off. Its 113 floats and if you really want to eat after, and I think it's a great idea to end at Station Square because there is a lot of festivities there and it is a great event I would like Councilman Ricciardi to come up because you are a member of this lodge with me. I think we are all members of the same lodge.

**MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:**

No. 2406 WHEREAS, the Sons of Columbus of America, Incorporated, is dedicated to promoting the ideals and qualities as exemplified by the renowned explorer and discoverer of America, Christopher Columbus, and to encouraging civic leadership; and,

WHEREAS, since April 9th, 1925, the Sons of Columbus of America have established a superior record of public service as evidenced by their efforts to restore the Christopher Columbus Monument in Schenley Park and their leadership in organizing the commemoration of the Quincentennial Celebration honoring the 500th Anniversary of the Discovery of America in 1992; and,

WHEREAS, the Sons of Columbus will be holding their 72nd Annual Banquet on Friday, October 10, 1997. Included in the festivities, will be the third annual crowning of "Miss Bella Italia". The Sons of Columbus will also celebrate a special

Columbus Day Mass at St. Paul's Cathedral on Sunday, October 12, 1997, followed by a Memorial Service at the Christopher Columbus Monument in Schenley Park; and,

WHEREAS, the Sons of Columbus 1997 banquet is honoring Joe Piccirilli, a prominent businessman, for his dedication to the Pittsburgh community.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh extends its thanks and appreciation to the Sons of Columbus for its many years of service to the City and extends its best wishes and congratulations to this year's honoree; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Friday, October 10, 1997 as "Sons of Columbus Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Ms. Denardo:

Mr. President, Council members, it is an honor and pleasure to be here this morning to accept the proclamation on behalf of the sons of Columbus of America. Of course you know as Bob read our Banquet is on Friday evening at the Churchill Valley Country Club. Saturday we will be participating in the Columbus Day Parade, and on Sunday, mass at 11:30 at Saint Paul's Cathedral. After mass we

will proceed to the statue of the Sons of Columbus where we will have activities, there. This year is special because the newly organization members of the Lombardo Denardo Council 116 will be installed at the monument. Thank you.

Mr. Speaker:

As my colleagues have stated the diversity of our City is just so rich and the Italian American community is just so proud to be part of this fabulous City and we are looking forward to inviting all of the City of Pittsburgh including our suburban residents and I am so glad. Marie also mentioned the newly formed Lombardo Denardo Lodge in memory of Lombardo Denardo who has been just blessed to this City, but especially to the Italian communities. We want to thank Marie your family for sharing his memories with us. Thank you very much.

MR. ONORATO PRESENTS:

No. 2407 WHEREAS, the Teutonia Mannerchor is hosting the Alliance of Germanic Societies of Pittsburgh's German American Day Ball; and

WHEREAS, this event celebrates the 314<sup>th</sup> anniversary of the first group of German settlers arriving on the American continent; and;

WHEREAS, in 1683 thirteen families from the Rhineland, led by a Frankfurt lawyer, Franz Daniel Pastorius, founded Germantown in Pennsylvania, the first German-American settlement in the New World. Also in 1683 the first German-American schools were established in Germantown; and

WHEREAS, in 1983 the German-American Tricentennial celebrated the 300<sup>th</sup> anniversary of the founding of Germantown. Additionally, in 1987, German-American Day was proclaimed and has been celebrated nationally ever since; and

WHEREAS, individuals of German descent have contributed enormously to American culture and it is with great pride that the Alliance of Germanic Societies celebrates its great heritage.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby celebrates 313 years of Germans in America and thanks all German-Americans for their unique contributions to United States History.

FURTHER BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares Sunday, October 5, 1997 as German-American Day in the City of Pittsburgh.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motioned prevailed.

Mr. O'Connor:

Jayson Thornton, his uncle Ronald and Rosemary Duffy from the Y. We are very proud of Jason, he just came back from Washington, DC. Visited our Congressmen and Janet Reno.

I would like to read the

proclamation. We have a lot of exciting things in Hazelwood going on and this is part of the program of Weed and Seed that Council has supported. With the Mayor's initiative, we have started a number of programs there to help the youth and they have starting to pay off, and Jason is a great example of that.

#### MR. O'CONNOR PRESENTS:

No. 2408 WHEREAS, it is always in the best interests of society to encourage its young people to do their best in all of their endeavors and to promote their participation in projects that instill self worth and civic pride and;

WHEREAS, the City of Pittsburgh and the United States Department of Justice have joined together through the Weed and Seed Program in order to eradicate illicit drug sales in our neighborhoods and to promote community building projects which create a healthy and safe environment in which to live; and,

WHEREAS, Jason Thornton, a resident of the community of Glen Hazel in the City of Pittsburgh and a freshman at Taylor Allderdice High School, did compete in The Weed and Seed National Poster Competition and, due to his determination and dedication to purpose did win first place in Category III of the competition this past September; and,

WHEREAS, in recognition of his achievement, Jason Thornton, on October 2nd through October 4<sup>th</sup>, joined other competition winners from around the country in Washington, D.C., to meet with Attorney General Janet Reno, Weed & Seed Program Director Stephen Rickman,

Congressional Representatives and to tour our nations capital.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does extend its best wishes and its congratulations to Jason Thornton for his achievement and encourages him to continue to pursue excellence in all that he does, to provide leadership to his peers - encouraging them to do good in their community and avoid the menace of drug abuse; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh extends it thanks and appreciation Jason's family for providing him the love and encouragement needed to achieve his dreams and, in recognition of Jason Thornton's achievement does hereby declare Tuesday, October 7th, 1997 to be JASON THORNTON DAY IN THE CITY OF PITTSBURGH.

THE CHAIR moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

Mr. O'Connor:

We will bring his uncle, Ron, up who is actually his drill team and if you see me at any parades, they are usually in front or behind me. The only trouble is, you get more attention than I get. They are so good and they attract a great audience. You want to tell us about the program.

Mr. Wills:

Good morning, Mr. President and Council members. I am Ronald Wills and

I am from Hazelwood area. I am the public relations and transportation person for the Hazelwood Marching Unit Drill Team. We have been in existence now for like 13 years. Jason, he has been with us now since he was eight years old. He is one of our drummers. I am very proud to be here today and in his honor and recognizing him as the poster winner for the Weed and Seed--of what Weed and Seed means to my community. I chaperone Jason to Washington. D.C, along with the U S Attorneys Office and I am very, very proud of Jason. Jason is also my nephew and he'll be performing in the Columbus Day Parade this year along with the other 38 members of our group. I hope you are able to come out to see us, and thank you again.

Ms. Duffy:

I am Rosemary Duffy with YWCA. I want to congratulate Jason. He has a wonderful poster. I also want to commend Ron Wells for hanging in there with these kids. Ron and his wife have really committed and dedicated themselves. We wanted to keep encouraging them to keep on doing what they are doing with the kids. You know so they don't get too tired out here. They have been hanging in there for a long time, they have like 48 kids. They really have them disciplined to do a wonderful job and I just am proud to be a part of them. Thank you.

The Chair:

Jayson want to say a few words. You are kind of bashful this morning.

Mr. Thornton:

I just wanted to say thank you for

this.

**The Chair:**

Thank you for your hard work, Jason.

**MR. UDIN PRESENTS:**

No. 2409 WHEREAS, on October 2, 1997 the Minority Enterprise Corporation will hold it's Ninth Annual Power Conference 2000: "A Declaration of Empowerment" featuring Mr. Dave Bing, President of The Bing Group in Detroit, Michigan; and

WHEREAS, Mr. Bing established Bing Steel, a flat rolled steel service center in 1980; Superb Manufacturing, Inc. a supplier of metal stampings in 1985; Bing Manufacturing, Inc., supplier of interior and exterior automotive components was established in 1994 and in 1996 Detroit Automotive Interiors and Trim Tech were established and open for business; and

WHEREAS, Mr. Bing continues his efforts through work with organizations like the Detroit United Fund, Boys and Girls Club of Southeastern Michigan and Junior Achievement. His work with the youth has instilled a sense of pride, an appreciation for a strong work ethic, and the beginnings of an entrepreneurial spirit that is destined to reap our youth many rewards in the future;

Now, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends Mr. Dave Bing for its activism on behalf of African-American business community and the City of Pittsburgh, we honor Mr. Bing for his hard work and dedication.

**THE CHAIR** moved to adopt the resolution.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you.

I would like all the representatives from the Lawrenceville Community to come forward at this time along with Boys and Girl Clubs and team Councilmen.

We have five great organizations in the Lawrenceville Community being honored here today. More importantly, I believe being given a check in support from the Boys and Girls Club. Mike Hepler are you coming up here? You're going to be the silent big spender in the back seat.

I will introduce everybody in a little bit. I am very honored to have been asked to help provide a forum for the Lawrenceville Boys and Girl Club Team Council to provide a clear demonstration of what their project is all about. I would like to read the following resolution. And I don't know why Mike Hepler is not coming up here. Maybe he is passing the mantel here this morning.

**THE CHAIR PRESENTS:**

No. 2410 WHEREAS, the Pittsburgh Boys and Girls Club Teen Council 2000 instills leadership skills in its members through training programs, through their service as mentors for younger members in the Club and through

their organizing of special events in the community; and

WHEREAS, the Teen Council 2000 involves youth in the fabric of their community through attendance at community meetings, involvement in community service projects and through the conduction of formal community needs assessments; and

WHEREAS, the Teen Council 2000 provides professional development for its members who actively participate in program training workshops and educational services offered by the Boys and Girls Club and who establish ongoing relationships with adults in the community; and

WHEREAS, the Pittsburgh Boys and Girls Club Teen Council 2000 is a teen leadership program which empowers teens by involving them in the complex decision making process and giving them the responsibility of distributing \$10,000 of grant funds to the Lawrenceville Community; and

WHEREAS, the Teen Council 2000 has awarded \$10,000 to organizations and groups in Lawrenceville whose mission is to better the community by assisting the youth of Lawrenceville; and

WHEREAS, the recipients of the Pittsburgh Boys and Girls Club Teen Council 2000 grant awards are The 9th Ward Youth Association, The 10th Ward Youth Association, The Lawrenceville Youth Football Association, St. Mary's CYO Basketball, The Lawrenceville Citizens' Council and Project Safe Summer;

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Pittsburgh hereby commends and congratulates the Pittsburgh Boys and Girls Club Teen Council 2000 for their hard work and commitment to the betterment of the Lawrenceville community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh also commends and congratulates the following organizations for their hard work and commitment to the youth of Lawrenceville and to the betterment of the Lawrenceville community: The 9th Ward Youth Association, The 10th Ward Youth Association, The Lawrenceville Youth Football Association, St. Mary's CYO Basketball, The Lawrenceville Citizens' Council and Project Safe Summer.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. As you can see, this is a very unique project being led by the Boys and Girls Club of Western Pennsylvania. Mike Hepler is here who is President of CEO of the Boys and Girls Club throughout the whole many county areas. This particular grant program is a project that grew out of the Lawrenceville Boys and Girls Club and April Werzbowski is here from the Boys and Girls Club who is responsible for the team Council. I believe she headed up the request for the proposal process where



organizations in the community actually had to compete and supply a project grant proposal to be considered for funding. The winners are the ones that we have here today. We have, and I do want to introduce from the Team Council 2000 Amanda Gregor and Bob Gruco. From the Lawrenceville Citizens Council, this is a long standing neighborhood based organizations that has been very active in the Lawrenceville Community for many years on all kinds of different areas, public safety, community housing improvements, neighborhoods business district improvements over the years, you name it, the LCC has been involved on all different fronts working to better the community of Lawrenceville. We also have Connie Walsh and Dorothy Hooks here from the Citizens Council. We have Pam Kober and Tony Ceoffe here from the Lawrenceville Youth Football Association. This is one of the newer groups in the Lawrenceville Community, newer five years old almost, but not as old as some of the other Youth Organizations that have worked for the last 20, 30, and 40 years in the neighborhood.

Lawrenceville Youth Football has been an exciting group really generating new interest on the part of younger people who historically have not an opportunity to play football in the neighborhood. They really have raised lots of money to cheered through a lot of hard work and parental involvement. It is a great youth organization. I can see why they were considered by the Team Council.

We have John and Micky McGrain who are no strangers here to Council Chambers, Council had an honor of naming one of the fields at Leslie Park after Mr. McGrain, they are from the 9th Ward Youth Association. As I have stated

a lot of times in these chambers, we could not put a dollar figure, dollar value, on all the good work that our parents and a lot of hard workers, volunteers, do to keep our young people busy and educated in the neighborhoods.

We have Mickey McGrane here who also equally has been active with Saint Mary's CYO program, which is a basketball program. But it is actually a lot more than the sport itself. George Petruch and Bill Connor are no strangers here also. They single handedly have put together a team that has been operating for a long long time in the 10th Ward down at the Arco Field 57 street playground which Council was helpful in trying to up grade that park a few years ago.

At this time I want to turn it over to either Mike or April and see how you want to do this, if you want to further amplify the grant process and how it is that you decided to give these awards out. I am up here actually also for Project Safe Summer. The Boys and Girls Club was nice enough to—we had to raise close to \$50,000 for over 12,000 bike helmets and the Boys and Girls Club felt that it was appropriate enough to also give \$2,000 grant for the helmets educational project. I am very much appreciative of that.

Without further ado, I will ask Mike and April and maybe some of the other community representatives would like to say a few words. Thank you the Boys and Girls Club.  
**Mr. Hepler:**

Just a couple quick comments. I wanted to commend Jim for taking on that project with the helmets throughout the City of Pittsburgh. We are proud to play a

roll in that. We saw these helmets being delivered throughout the various communities that we serve. It did make for a safer summer. So thank you, Jim.

This is a team driven project. We are giving away, this is not our money. Everybody thinks we have all this money through the Heinz Endowment. They provided the funding for this and teens in five different communities have participated in this. This year we will be giving away \$40,000 throughout Allegheny County. All of those funds as far as the delivery to various community groups were determined by the teams. We sat in the background that's why I was sitting in the background, so it's their show, so without further ado, Amanda will comment on the Lawrenceville team council. Thank you.

**Ms. Gregor:**

I would just like to thank all the organizations for letting us work with them and help to make our community a better place. I don't want to say nothing else.

**Ms. Hooks:**

Quickly I wanted to thank everyone for their time and coming down today. I think the most unique thing about this project again as Mike Hepler said is that the teens are actually empowered to do this themselves. They conducted needs assessments to see what community leaders and business people felt the Lawrenceville Community needed. They then prepared grant proposals, sent them out and evaluated them. They work very hard to get to this point. At this point, I look forward from today for a very

positive and growing relationship to establish between the Lawrenceville Boys and Girls Club and all these Lawrenceville community groups to together benefit the youth of Lawrenceville. Thank you.

**The Chair:**

Thank you very much. Any of the representatives from any of the groups that received a grant would like to make any comments? Connie you're never bashful. Bill, Tony, don't be shy.

**Ms. Walsh:**

I am with the Lawrenceville Citizens Council, the Executive Director. As Councilman Ferlo has said, Lawrenceville Citizens Council has been around for a long time. We have been in many projects. We are happy to receive this grant to work with the youth. We have worked with older people and the community, but we have never been able to tap into the youth of Lawrenceville. We believe that this is one place where we need to start and take the grass roots of Lawrenceville and work with the youth. So this gives us a vehicle to do that.

Our grant was for a newspaper to tell the people what is going on in Lawrenceville. We are made up of three different wards, which makes it hard for something happening in the 10<sup>th</sup> Ward or the 6<sup>th</sup> Ward or the 9<sup>th</sup> Ward what is going on. So we as a Citizens Council decided that we would have a newspaper. With the newspaper we would like to employ youth to work on this and give their own input as far as maybe have their own page. That was what we decided we would put our grant out for. We thank the Boys and Girls Club for allowing us to work with

them. Thank you.

**The Chair:**

Let's try to get some of the other representatives here. Anyone from 57 Street?

**Mr. Petruch:**

We would like to thank the Boys Club and Girls Club of America in the Pittsburgh area for the contribution and to make our program stronger. But there are a lot of people behind the scene who do a lot of work who should be here but can't be here because of working hours. I just want to close it right by saying as I say every year when I get together at the end of year, our program is to try and make better boys and girls out of the children that are there. There is not, in my opinion, and a lot of others, I hope, not a bad boy or girl in the country today. They have just been mislead some where. Thank you.

**The Chair:**

Come on, let's get one of the McGrane's up here and then maybe Pam from Lawrenceville Youth Football.

**Mr. McGrane:**

I was at the Boys' Club when girls weren't aloud years ago, so I am going way back. I am glad girls was because out of my family, I have six boys and two girls. I am glad. I thank the Boys Club and Girls Club for their goodness for recommending the 9<sup>th</sup> Ward youth and St. Mary's. I have been around them all. I am still going. I hope I come down in Council next year, year after if, I hope, I am still around and hear the kids talk because without the kids,

I will have been long retired. Thank you.

**The Chair:**

Pam Kober representing Lawrenceville Youth Football.

**Ms. Kober:**

I would like to thank the Boys and Girls Club and Teen Council. Like Jimmy said, we are a rather new group and I am really excited about it. We bring all the children together from 9th Ward, 10th Ward and 6<sup>th</sup> Ward and maybe you could come down and watch some of our games. We sure would appreciate it. We could use all the support. Thank you.

**The Chair:**

All right. Anyone else want to say anything? Your opportunity to ask for some financial help from Council, just kidding. We want to thank all of you for coming down here today, and a special thanks to the Boys and Girl Club for a great leadership grant. Thank you. We appreciate it.

We would like to have David Hughes come forward. David has been patiently waiting here in the wings for an important resolution, which I hope Council will give support to. As you know, Council, a few months ago, I allocated \$75,000 in actual legal help and expert witness fees to be paid through the City Law Department and their continued work around utility issues. Specifically the issue not only of the proposed merger between Allegheny - between West Penn Power and now Allegheny Power with Duquesne Light, but other issues that are standing in front of the Public Utility Commission

regarding the rate increases that will result from this merger and cost that Duquesne Light wants to continue to carry over to Duquesne Light rate base which we obviously have a lot of reservations about. So I would like to ask Council to consider the following proclamation and I will ask David to say a few words.

**THE CHAIR PRESENTS:**

No. 2411 WHEREAS, the Pennsylvania Public Utility Commission is considering proposals to implement the Electric Generation Customer Choice and Competition Act; and

WHEREAS, affordable and reliable electric service is essential to the health, safety, and economic well being of all citizens; and

WHEREAS, the purported purpose of competition is to reduce the cost of electricity by ensuring a choice of power suppliers; and

WHEREAS, retail competition could impede universal access to electric service; and

WHEREAS, deregulation could lead to higher electric bills, increased air pollution and unreliable service and the loss of jobs; and

WHEREAS, deregulation could be a disincentive to increased utilization of energy efficiency practices and renewable energy sources; and

WHEREAS, ratepayers through high rates, have already borne the burden of uneconomic investments.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that;

(1) The Public Utility Commission (PUC) is hereby urged not to approve Duquesne Light's Restructuring Plan unless it includes rate reductions that bring customer bills in line with the average national cost of electric service; and

(2) The PUC is urged to adopt policies, which ensure that low-income customer assistance programs are maintained in the new system;

(3) The PUC is also urged to only allow power suppliers to compete for buyers in Pennsylvania who meet Pennsylvania air quality standards regardless of where their generators are located; and

(4) The PUC is hereby urged to adopt policies support and encourage energy efficiency practices and increased use of clean and renewable energy sources; and

(5) The PUC is urged to require Duquesne Light and any other power company that reduces the size of their work force because of competition to provide retraining, placement and other support services for displaced utility workers; and

(6) The PUC is hereby urged to not allow electric restructuring which penalizes rate payers by bailing out utilities for uneconomical investments (stranded cost).

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh

hereby Directs the Clerk to transmit copies of this Resolution to the Governor and the members of the Pennsylvania Public Utility Commission.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

**Mr. Udin:**

I am obviously trying to grab hold with this whole lawsuit that was initiated by the Mayor and trying to study all the aspects with regard to what the best interest of the Citizens are in this City. I am not prepared at this time to vote yes. I would like the record to reflect an abstention on my part. It should not be interpreted as an opposition to the resolution or the lawsuit. I am just studying it. It is very complex.

**The Chair:**

Yes. I agree. It is very complex and just to put this in perspective we - in addition to Council allocating money to assist the law department and the Mayor's strategy, which also more recently announced a week was to intervene in the Federal Court on an anti-trust action. That action is peculiar to this issue of Duquesne Light merging with West Penn Power under the broad umbrella of Allegheny Power. So that is a separate action than what is being proposed here today.

What is here today has more to do with an action, which is in front of the Pennsylvania Public Utility Commission that has several different actions before it. David is going to explain it more clearly than I can, but also having intervened in

rate case one of the worst things that can happen is for the PUC to just give a blanket approval to any merger or even blanket approval to any rate hike that would pass costs on to the Duquesne Light Company customer payers that have been costs that over the last decade have either been as a result of miss manage or imprudent decision making on the part of managers and operators of Duquesne Light. An example would be the Duquesne Light over the last half a decade and even longer has incurred millions if not billions of dollars in either unnecessary plant construction of proposed nuclear power plants and the like.

They want us even at a time when electric use was going down in terms of demand. The PUC is being asked to approve at Duquesne Light Company's request that regardless of the merger that we, Duquesne Light Company rate payers, continue to pay an extra add on fee known as the stranded cost for years into the future, that is totally unacceptable. There is a lot of different issues that are before the Public Utility Commission in the issue of the proposed merger, but as well, issues that Duquesne Light is requesting to relieve itself of any financial liabilities for its own decision making over the last decade.

In addition to that, the Mayor has added a new twist. Often times over the last many years, and David can speak to this, consumer groups, business community groups, Pennsylvania public consumer advocates, over the years have only had the forum of the Public Utility Commission. It is not always a level playing field when you are arguing in front of the PUC what the attorneys and the forces that are representing the utility

industry. The Mayor, I think, has added a significant twist to this dynamic and I applaud him for it. He is saying not only let's argue and play ball at the PUC level, let's intervene at the Federal Court level. He has actually proposed that there is actually an anti-trust violation between Duquesne Light negotiations with Allegheny Powers. So he has actually helped to change the rules of the game and I hope we are successful.

I want to allow David an opportunity to further explain and amplify this resolution and he may also want to comment on the administration's actions and Federal Court down the street.

David Hughes, as many of you have known David for many years, a long time community activist and has an extensive background in parks and working with young people over the last 30 years in this City, and more recently probably because of his opposition to grandiose nuclear power plant construction near Lake Erie. He has been very active over the last decade now on the utility issues and he now represents a community based group called Citizens Power. Citizens Power is an advocacy group and I am very pleased that David is helping to educate the public about what Councilman Udin has admitted a very complicated utility issues.

**Mr. Hughes:**

Thank you, Councilman Ferlo. This is a very complex issue as Council member Udin has mentioned. I just want you to first of all accept congratulations from my organization, Citizens Power, because the Council passing this resolution even though it is non-binding, sends a

message to the governor and the PUC that you are concerned about your constituents in terms of their electric service, the cost of service, the reliability of service, and the customer assistance programs for your low income constituents.

There are two things going on here, you have the merger which is an application before the PUC and Federal Antiregulatory Commission and then you have what is called the restructuring plan, which is an application before the PUC by Duquesne Light alone.

The restructuring plan was filed August 1<sup>st</sup>. It starts off a 9-month investigation by the PUC, which is going on right now, like a trial in front of the judge at the State Office Building. The company has made a proposal in terms of how they are going to go to competitive market from now until the year 2005. This transition period and what you and your constituents need to know is Duquesne Light has proposed to keep their current rates which are 30% above the National average at that level until 2005.

Citizens Power and many other organizations are very upset because the governor promised that competition would bring lower electric rates. The company is saying to the PUC let us keep these rates at the current level for the next seven years so we can recover our investments in our nuclear plants which is \$2.3 billion that they want to get back.

So what you have done here today is highlighted this issue and hopefully will increase public participation in this process. November, I believe, 13<sup>th</sup> -- 12th or 13th hopefully in this room but somewhere in downtown there will be

public hearings which we hope you will be there and you will encourage your constituents to attend to let the PUC know how they feel about this issue. But this is one of those issues that impacts every single citizen, every pocketbook of every voter, every ratepayer, and also there are some serious environmental concerns here.

It is not a done deal. It depends on what the PUC and the governor feel from the grass roots that's what will determine what their decision will be. The process goes on until May. The administrative law judge will be making a decision in March and the commission will make a decision on the Duquesne Light proposal in May.

So there is still time for this Council, other local governments in the Duquesne Light service territory who we encourage to pass a similar resolution to impact this process and get involved in this process. So what you have done today, is helpful. I think it's a very progressive resolution. In my view it's better than the legislation that was passed in the middle of night last November. I hope you will keep up the work and keep your constituents informed about this issue because it is one that is very very impactful to every citizens of this City so thanks very much.

The stranded cost issue is this, the stranded costs are investments that the company made in two nuclear plants. They were supposed to be a billion dollars and ended up costing ten billion dollars. Duquesne Light says that we built the plants for our constituents. So we have a right to the money back on that investment.

We can show that that investment

really went bad and there was cost over runs of \$9 billion. Ratepayers in this service territory have been paying them for ten years. Now that you have a chance to go to a competitive market, and you have a chance to get lower rates, Duquesne Light wants you, if you decide to choose a cheaper power supplier, to continue to pay for those investments in the form of an exit fee up until the year 2005. They are calling it a competitive transmission fee.

That's what we are saying to the PUC, we can show and we can prove that the company does not have a right to this investment and that we have paid enough of it, that they already made there money. It is time for ratepayers to get a break. We have paid enough of these cost over runs.

You should really want to see your constituents have a chance at competition. I know Councilman O'Connor worked very hard on the gas side of this. There are a lot of similarities on the electric side. All I can tell you that the electric side of this is massive. It is the biggest deregulation issue in the history of this country. It is the biggest economic issue in the history of this state. Keep in mind that this is the biggest industry in the United States. The computer industry is \$60 billion a year. The auto truck industry is \$160 billion a year. This industry is over \$200 billion and it is going to effect every aspect of our life style here. It is economic development issues that I hope you all get involved in. Again, and I thank you for what you have done today.

#### **The Chair:**

Just to clarify this issue, the stranded cost, I cannot make this more clear. We are talking about billions of

dollars of nuclear plants that were never even brought on line. We consumer groups, and I have intervened on this case as well over the last ten years I have intervened on other cases as long ago as ten years ago. The Pennsylvania Consumer advocate Business Organizations, Consumer Groups had argued to the PUC that with manufacturing on the decline and usage going this way, there was no reason why Duquesne Light should be allowed to build capital plants, especially nuclear power plants, that went from one billion dollar projects to upward to ten billion dollars projects. But this stranded costs; our argument is pure and simple, if they made bad decisions, which they clearly did, why should we the ratepayers have to bear that cost? It should go to the dividends or the stockholders of those invested in this company.

But we are talking about paying for now on the stranded cost for the debt service of capital projects that were never even brought on line half built nuclear power plants. Some that were shut down, others that were just in the planning stages. Those are the costs. So any notion any rederic from any elected official at the state including Governor Ridge that because of electric deregulation, we are now going to see this wind fall, would be immediately eaten up and disregarded. If we continue to have to pay this extra added basically utility tax in a way. Under what is call the stranded cost.

This is a very important issue. The Mayor is heavily involved, the city solicitor I applaud them. They have made a different level of attack by going to Federal Court. That's only on the issue of the proposed merger. The other issue that is equally as important is the actual

decision making process of the PUC as it relates to Duquesne Light's rates restructuring. Which I have intervened and probably David maybe there is another hundred organizations around the state including many from the small business community. What we are talking about here is devastating not only to elderly on fixed income who want to keep their house operating, but we are talking about having suffered in this region from extremely high from utility rates, especially electric rates. That is a direct impact on loses of manufacturing and other jobs to small business community. This is really a life and death pitch battle with Duquesne Light independent of the proposed Allegheny Power merger proposal.

**Mr. Cohen:**

Thank you, Mr. President. David, thank you for coming this morning and thank you Councilman Ferlo for introducing this. I guess this is the way I look at this issue. It gets me angry in so many industries we see where legislation has been passed with the word competition in it. This was the electric generation customer choice and competition act. In the cable television field, which I know a little bit about, it was the telecommunications act to promote competition. You could come up with a number of others. The true result of those was exactly the opposite. And we are not seeing more competition; we are seeing less. I guess the way I look at this, and I agree with Councilman Udin, this is a very complicated field. I don't pretend to be an expert in this field. But because Duquesne Light's rates are 30% over the National average, we all know that they are high. We all pay them every month and because this is a proposed merger and proposed



restructuring, the burden should be on Duquesne Light because the presumption is against them.

The rates are high and they are doing something, which is anti-competitive. At least we used to call them the 19<sup>th</sup> Century combination, a trust, a coming together. So the burden is on them to show us that this is somehow in the interest of the community. As far as I am concerned, they have not satisfied their burden. In fact, really have heard very little from Duquesne Light. I got a call from their public affairs, to meet with public affairs person. I tried to get both sides of this, she said that this argument is some how because of all of this restructuring and merger that there is going to be a competition in getting the electricity, the juice, if you will, and not facilities. They make a distinction between the electric generating facilities and the electricity. I don't see it. I don't see that competition happening. Until they give us some reason to see that this is some how in the best interest of the community, I support this proclamation and support the Mayor's lawsuit and look forward to testifying against this because, in my view, it is not in the best interest of the communities at all.

**Mr. Hertzberg:**

I will be supportive of the mayor and in trying to stop the merger. I am happy to support this too. The business community is impacted terribly by this and it is hard to attract new business to the region when we have such an unusually high electric rate here under Duquesne Light. Of course, the consumer gets beat just as badly with the high rates and all you have to do is travel 20 miles to the

east and you are with another company and the rates are 30 to 40 percent lower. It is just phenomenal. Its the stranded cost is the primary factor for that with Duquesne Light.

I just want to ask Mr. Hughes, let's say finely we can win on that issue, no longer can these costs be passed on or I guess if you don't allow the merger, the impact might be the same because no one is going to take Duquesne Light if they can take someone else. Let's say one or the other happens, what would happen next with the issue of the stranded cost? What would happen, how would they be recovered? What would happen with them, they are still out there, there is a big expense?

**Mr. Hughes:**

The reality is the company shareholders would very to eat those costs. We have had experts going over the books, if you will, the balance sheets of Duquesne Light. The company is in a very good position to eat those costs. It would be a hit that they could manage; it wouldn't be something that they would like.

**Mr. Hertzberg:**

They would probably visit bankruptcy court, I would imagine.

**Mr. Hughes:**

No, they wouldn't bring them anywhere near bankruptcy. So, it would be something they could absorb and in fact our analysis, preliminary analysis, is that they would already have got their money back on that investment plus a profit. So that's what would happen to them. In

terms of the physical stranded costs, it is hard to tell what would happen to those.

**Mr. Hertzberg:**

You mean the equipment itself?

**Mr. Hughes:**

The plants. I might want to mention just because Councilman Ferlo was sort of mixing a couple of cases here. The stranded costs in this case are for two nuclear plants that are operable. It's not for generation that is off line. That was for another case that settled at Supreme Court a few years ago. Although Duquesne Light rate payers have paid, that's probably what you are thinking of, \$300 million for the Perry Nuclear II unit that is abandoned and sitting on the shores of lake Erie, 60% complete. That is owned by Duquesne Light. That we feel is a real unfair charge to ratepayers.

**Ms. McDonald:**

I would likewise had caution in supporting this resolution but after reading it in its entirety, this resolution is a good one, and I commend Councilman Ferlo for showing the initiative to present this to Council simply because it protects the consumer. These are -- I guess what we call no brainers. These are things I would want to see in any type of negotiations or deliberations at a Federal level in terms of protecting the consumer. But I do have questions that one piggybacks on Councilman Hertzberg another one has not been addressed.

You did say that if indeed the cost to reduce the cost of the average consumer, that the stockholder, the

shareholder, would that reduce the --I guess--not the cost--but the value of the stock? In other words, if Duquesne Light ate the cost in order to reduce rates and actually be competitive Nationally, if they did eat the cost themselves how would it evidence itself?

**Mr. Hughes:**

They have already done this on other projects. They ate, I forget what the figure was, I think it was \$500 million a very few years ago for part of that Perry II unit. It didn't seem to impact their stock.

**Ms. McDonald:**

Then it wouldn't have devalued it or undervalued it?

**Mr. Hughes:**

I don't think it would.

**Ms. McDonald:**

I am not a shareholder, I am just curious.

**Mr. Hughes:**

These companies do this all the time. If you look at their annual report, they have a real problem with their steam generators at their Beaver Valley plant, and they may have to replace them and that is going to be \$300 million. They are saying that won't effect their financial status. So the merger is where they have a problem. The merger is where they have a problem. If that merger does not go through, then they may have some stock problems and rough roads ahead.

**The Chair:**

They are allowed -- CD remains in terms 10, 11, 12% at a time when people when they're saving account was generating 3% of the CD. There is a difference of issue here, a fairness and equity.

**Ms. McDonald:**

The other question is, in terms of employment that's an issue that is not readily addressed, not in the numbers of employees, especially when dealing with this merger, but any other type of modifications that would surface in this whole utility business, how would it impact the average worker? Would it reduce the number of workers? Is there any safeguards being negotiated at the table to protect workers as Councilman Ferlo has in his resolution, and not just the number but let's face it, when most people get jobs with Duquesne Light, they have good jobs. They are not agonizing over minimum wage. They have good benefits and et cetera. It comes with a big corporate type of employment. Would it impact them? We are discussing living wages and what have you and I don't want to ever get to a point where we actually impact upon the average worker.

**Mr. Hughes:**

Well Duquesne Light submitted their restructuring plan August 1 and they have not proposed any lay-off as a result of that. So in terms of restructure or competition, we are not aware of job losses in that area.

On the merger, the company has said in their April announcement that

Duquesne Light Allegheny Power merger will result in 500 job losses. That's one of the reasons we are opposing the merger.

**Ms. McDonald:**

500. Out of how many?

**Mr. Hughes:**

Out of their employees, 4,000 employees. I am not sure, that's a combined-- that's a combined job lose. I believe they are talking about between the two companies like 9,000, 10,000 employees. 500 job losses. But we don't think those job losses have to occur. We know that this merger is anti-competitive. We filed our intervention at the FERC just last week. Its very clear that the merger doesn't meet the standards of the Federal Energy Regulatory Commission for competition in the area. But we don't believe there has to be job losses. We are working very hard against that. And competition should create jobs.

**Mr. O'Connor:**

I certainly know the complexity of these negotiations. The resolution looks okay to me. I don't have a problem with that. But going back in history, one of my major concerns is with the lawsuit, the 4,000 jobs Duquesne Light has here. Their headquarters is here, how are we working to keep them here or as much of a percentage of not only the Union and hourly wages but the management people. It always bothered me, I know Duquesne Light was stuck with these two power plants, when they wanted to sell to the east, everyone was fighting them. So I don't understand why that couldn't have happened.

**Mr. Hughes:**

That's a good question. Let me just explain. I want to keep it as short as possible. But the history is critically important because Duquesne Light I really frankly believe is counting on the people in this service territory forgetting the history. The reason why they wanted that line to sell power across the state was because they have all kinds of excess generating capacity. The reason they have all kinds of excess generating capacity is because they went ahead with those nuclear projects. And the only way they could get those two nuclear plants into the rate base was to take out very reliable coal plants like Bruno Island and Phillips Power Station and put them in cold reserve. Those plants are sitting there idle not running and Duquesne Light said gee we could sell this power. We could produce power and sell it. That's why they wanted to build this line across the state. But had they not gone ahead with that nuclear project, and stopped it when everyone said they should have back in the late '70s they wouldn't have this excess capacity they wouldn't of had to propose that transmission line. Ratepayers -- residential ratepayers are subsidizing these homes.

**Mr. O'Connor:**

I realize that, but I am still saying why -- even the merger, let's get back to the merger. I am looking at the map, and if this big company swallows them up, do you think West Penn would need that power, that excess power for them to grow and bring all of our rates down. I don't understand why it's not a benefit. If big company is buying it, they have this entire

atomic can power, why can't they -- you would think they would be using that power themselves, in other words, spreading Duquesne Light's power.

**Mr. Hughes:**

Allegheny Power has excess power too. Allegheny Power is three companies. They have all kind of generating capacity. That's the problem. The whole east has too much capacity.

**Mr. O'Connor:**

Where is the problem? I thought in New Jersey is short, New York is short of power.

**Mr. Hughes:**

It is not short now. It was years ago.

**Mr. O'Connor:**

They built it up.

**Mr. Hughes:**

They built it up and now we have all this excess in the whole part of this country.

**Mr. O'Connor:**

Not to speak for hours on their issues--

**The Chair:**

I think it would be helpful if going back to Councilman Udin's earlier point, especially given the fact that the administration has intervened in Federal

Court specifically on the merger, we still have this rate case before the PUC on restructuring including the stranded costs. Maybe it is a good opportunity to have another post agenda update so we can go back through these different issues.

**Mr. O'Connor:**

If I might, I was going to ask again with Mr. Udin said as far as the complex, important and we are in a lawsuit, I believe instead of a post agenda, we should have an Executive Session because this is a lawsuit matter. I would like to be up-to-date on it. I don't know whether to support it or not. The lawsuit itself. Excluding what we are doing today. I think it is important that all Council members get updated on pros and cons of it.

**Mr. Hughes:**

Just keep in mind that next year when competition starts, you and all your constituents under the current set up, would have a chance of choosing West Penn Power, which is half of your current rate. If the merger goes through, that choice is gone.

**Mr. Onorato:**

I just have one brief comment or real brief statements here. That is I too thought about the number of employees and the strong company, however, I just can't get off the back of my mind the number of jobs we are missing out on because of utility cost in this region. It is not just electric, when I say utility it is everything from water, electric, ALCOSAN. I lump it all together. We have to be very conscientious and I made

the argument here against the ALCOSAN increase. It wasn't just looking at ALCOSAN being the lowest of all these areas, but if you add it to what our other utility costs are, it's just outrageous. We are too high. I think the competition has to be there, and that is why I fully support this.

The issue over where the stranded cost goes, well unfortunately or fortunately in the capitalistic society, one of the components of a capitalistic society is bankruptcy. That is not always bad. What that award should be used is restructuring. Duquesne Light will have to restructure like a lot of other companies did in this region and sometimes or a lot of times, they come out of it a lot stronger than when they went in.

I strongly believe that with competition that I am looking at employment. The employment would still be there. Maybe different employers providing it, but the employment will still be there and it is my understanding that all of these companies are Union employees. The IVW they work for all these companies and if it is Allegheny Power, Duquesne Light or XYZ Electric Company, it is still employment. Just a matter of who the employer is.

The question I have or the suggestion I would have to Councilman Ferlo on his last further be it resolved, we are giving this to the Governor and to PUC, we should probably also send it to the General Assembly. The General Assembly is a very similar position that we are when it comes to the water, sewer authority. We are the ones that get the flack. We are the ones that gets the calls when the rate goes up because no one

knows who these authorities are and can't put a name or face to it.

I just think over and over again that the General Assembly gets off the hook too easily. If I am not mistaken, I think it is the Pennsylvania Senate that approves the members that sit on this authority. We have state reps and senators from this area that should be held accountable right now at least to discuss how the process works and what they are doing. I think they can bring pressure just like we do and we have in the past on some of our authorities to keep them in line. We might not have the legal vote there, but we surely have a bowl and pulpit that can be used and I would hope that our delegation and the rep's and senators would speak out. But because of how far away they are, they seem to have protection here from the public and from the media. I think it should be on their desk and their doorstep also.

**The Chair:**

Thank you. We will still schedule that executive meeting.

**Mr. Hughes:**

I might just mention that the Mayor's office had a study done last year by a consultant that showed that if the electric rates for City rate payers went down to national average, it would be a savings of \$150 million to City residents. That's a fairly significant economic development fund for the City. Maybe the Mayor could propose then that the ratepayers give 20% of that to the City to balance the budget next year. Thank you.

**The Chair:**

Thank you colleagues and we will schedule that Executive Session. That is a good suggestion.

I believe that should conclude our read and adopted unless there is any other read and adoptive. If not, moving to presentation of papers.

**MR. COHEN PRESENTED:**

No. 2412 Resolution Providing for a for a Contract or Contracts, or use of existing Contracts, and/or an Agreement or Agreements, or use of existing Agreements, to hire two independent consultants for the purpose of providing a legislative analysis of the newly proposed zoning code, at a cost not to exceed \$5,000.00 per consultant, aggregate amount totaling \$10,000.00, chargeable to and payable from Code Account 525500, Index Code 10305, Fund 1000, Organization 101200, Sub Class 150, Budget Year 1997. (SPONSORED BY COUNCIL MEMBERS DAN COHEN, JIM FERLO AND ALAN HERTZBERG)

Which was read and referred to the Committee on Finance and Budget.

**MR. COHEN** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

**The Chair:**

I want to be added on as a co-

sponsor. I think I think Mr. Onorato and any other colleague that is supporting this resolution.

**Mr. Hertzberg:**

I will go on there too.

Which motion prevailed.

**MR. COHEN PRESENTED:**

No. 2413 Resolution Authorizing the transfer of fifty-three thousand, five hundred dollars (\$53,500) from Code Account BBITF, Fund 2404, Account 525500, Organization 274300, Sub-Class 600, Department of Public Safety, Bureau of Building Inspection to Demolition Trust Fund, Fund 8728, Organization 274300, Approp. 600, Account 526500, Department of Public Safety, Bureau of Building Inspection.

Which was referred to the Committee on Finance and Budget.

**MR. HERTZBERG PRESENTED:**

No. 2414 Resolution transferring the sum of Ninety Thousand (\$90,000) dollars FROM Organization: 123000, Account 53370, Fund: 1000, Sub: 100, Automotice part, TO Organization: 121000, Index: 112805, Account: 525500, Fund 1000, Sub: 150, Miscellaneous Services, Department of General Services.

Which was read and referred to the Committee on Finance and Budget.

No. 2415 Resolution providing for a contract or contracts or the use of existing contract (s) for the purchase of

vehicle fleet and energy management software, training, maintenance and related equipment and providing for the payment thereof, at a cost not to exceed Ninety Thousand (\$90,000.00) Dollars"

Which was read and referred to the Committee on Lands, Buildings and Procurement.

**MR. UDIN PRESENTED:**

No. 2416 Resolution Providing for the issuance of a warrant in favor of the Pittsburgh Legal Journal, Mellon Bank Lock Box, Post Office Box 371124, Pittsburgh, PA 15259-0003, in the amount of \$4,763.90 for payment of legal advertising costs of properties included in the June 16, 1997 City Treasurer's Sale to satisfy unpaid city and School District of Pittsburgh Real Estate Taxes and/or City of Pittsburgh Sewage charges, chargeable to and payable from Code Account No. 1063, Miscellaneous Services, Department of Finance, Index Code 106302, Account 521300, Fund 1000, Organization 107500, Sub-Class 150, Budget Year 1997.

No. 2417 Resolution Providing for the issuance of a \$1,334.00 warrant in favor of Henry Pucciarelli in settlement of a claim for stolen tools, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2418 Resolution Providing for the issuance of a \$2,967.54 warrant in favor of Frank Mattola in settlement of a claim in which a City fire truck hit and damaged claimant's vehicle on May 18, 1997, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2419 Resolution authorizing the Mayor, the Director of Finance and the Director of the Department of Parks and Recreation to grant a license to Columbia Gas of Pennsylvania, Inc. to install, use, maintain and remove a regulator station on property of the City of Pittsburgh, West of the intersection of Arabella and Suncrest Streets, known as McKinley Park, and to install, use and maintain a regulator station on property of the City of Pittsburgh East of Tropical Avenue near Shadycrest Drive, also known as McKinley Park..

No. 2420 Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

No. 2421 Resolution Providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

No. 2422 Resolution authorizing the sale of City of Pittsburgh owned property in the 10th Ward, 1732 Antietam Street, designated as Block 121 L, Lot 106, to Joan C. Martin, for the sum of \$100.00.

No. 2423 Resolution Providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

#### **THE CHAIR PRESENTED:**

No. 2424 Resolution providing for the issuance of a warrant in favor of Lexis-Nexis, P.O. Box 7247-7090, Philadelphia, PA 19170-7090, in payment for computer user research services for City Council for the month of July, 1997, at a cost not to exceed \$1,444.67, chargeable to and payable from Account No. 525500, Index Code 100305, Fund 1000, Organization 101200, Sub Class 150, Budget Year 1997. **(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance and Budget.

**MR. HERTZBERG** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bill will be on the agenda this Wednesday.

**THE CHAIR** seconded the motion.

Which motion prevailed.

#### **THE CHAIR PRESENTED:**

No. 2425 Resolution Providing for the sub-leasing of a space located at 5232 Butler Street, Pittsburgh, PA 15201, in the 10th Ward, from the Lawrenceville Citizens Council, lessor, for the purpose of establishing a Community Oriented Police mini station, for a term of one year, at no cost to the City other than use of telephones and telephone line maintenance. **(SPONSORED BY MR. FERLO)**



Which was read and referred to the Committee on Lands, Buildings and Procurement.

**The Chair:**

Thank you. That concludes our presentation of papers. Moving on to unfinished business and reports of special committees.

**UNFINISHED BUSINESS**

**Mr. O'Connor:**

Yes. I would like to follow up on last week's resolution. We had some questions, very good ones. I think we addressed an amendment by Councilman Udin and some wording from the Mayor and his administration. This is concerning the Mon-Valley Expressway. As we said last week, I think it is one of the most important economic developments in our region and that means jobs.

I have maybe a selfish reason for the East end, I think traffic is one of our major problems. This would create a bypass and alleviate the congestion especially in the eastend, Oakland, Squirrel Hill, Greenfield, Hazelwood and actually Shady Side. We are really bottled down and nothing to really alleviate in the future. By supporting this today, we join all of our Federal, State and County Commissioners and everyone would be speaking in one voice going after Federal funding to help support this very worth while project.

I will read, I won't read the whole resolution, but I will read the amendment by Councilman Udin, which is now in the

resolution.

**MR. COHEN PRESENTED:**

No. 2402 WHEREAS, the system of roadways providing transportation links between the City of Pittsburgh and communities east of Pittsburgh and to the south, through the Monogahela River Valley, do not adequately serve the transportation needs of our region; and,

WHEREAS, due to the lack of adequate transportation, the residents of the City of Pittsburgh, especially in the eastern sections of the city, find their neighborhood streets and business districts are clogged with rush hour traffic and commuter parking as more and more traffic abandons the Parkway East in search of alternate routes; and,

WHEREAS, the Pennsylvania Turnpike Commission is in the process of constructing the Mon-Fayette Expressway, a 60-mile highway passing through the Counties of Fayette, Washington and Allegheny and, when completed will provide access to over 1,000 acres of industrial property in the Mon Valley, improve access to the Pittsburgh Technology Center, city attractions, assets and business centers and, lessen traffic congestion, pollution and other adverse impacts within city neighborhoods by providing an a Squirrel Hill Tunnel Bypass; and,

WHEREAS, the Oakland section of the City of Pittsburgh is the third largest business district in the State, with 30,000 residents and 33,000 employees, this resolution of support is contingent upon the completion and community acceptance of an Oakland impact study, detailing how

the Mon Fayette Expressway exit and entrance ramp near Oakland, will affect current traffic, business and residency: and,

WHEREAS, Mayors from no less than twenty-one Mon Valley communities have joined together in support of the completion of the of the Mon-Fayette Expressway due to the economic benefits derived from providing much needed access to long vacant and underutilized industrial sites in their communities and, furthermore, recognize that a unified regional political effort is necessary to secure the federal and state funds necessary to complete this important roadway.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares its support for the construction of the Mon-Fayette Expressway because of the economic and environmental benefits provided to the City of Pittsburgh; and it specifically endorses the Turnpike Commission's "Alternate 2 (the red alignment) provided:

(1) An interchange will not be constructed at the north shore of the Homestead High Level Bridge.

1. The Pennsylvania Turnpike Commission will continue to integrate the urban design concepts into the project that are subject to review by the City of Pittsburgh's Department of Planning. Provided that the Pennsylvania Turnpike Commission incorporates design, and environmental mitigation that preserves the integrity of the riverfront and communities next to the highway according to the agreements to be reached with the City of Pittsburgh.

2.

3. The Pennsylvania Turnpike Commission will evaluate Alternate 2 in detail to determine what benefits can be derived by the residents and businesses within the Glenwood and Hazelwood sections of the city.

4. In upcoming discussions with the CSX, Conrail and the Norfolk-Southern railroads, the Pennsylvania Turnpike Commission will make every effort to relocate rail lines and/or rail traffic to provide for an improved design of Alternate 2 in a manner that would reduce any adverse impacts to neighborhoods in the Alternate 2 alignment.

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh respectfully requests that the region's Congressional delegation and Pennsylvania's U. S. Senators work with Congressman Bud Shuster, Chairman of the U. S. House Transportation & Infrastructure Committee in order to secure or otherwise direct \$500 Million in federal funding to complete the northern portion of the Mon-Fayette Expressway.

Mr. O'Connor:

If I could have one moment to address a lot - we have had a lot of concerns and calls exactly where is this bypass going and how it effects the City. It starts or ends at Second Avenue on the where High Tech center is right now. It actually would go through-bypass Hazelwood along the railroad tracks, come up underneath the High Level Bridge, again along the railroad tracks, go all the way up the railroad to North Braddock. That is very important.

A lot of the old plans were to go up

Nine-Mile Run or Lincoln Place. In fact, six years ago it was actually going to go through Lincoln Place. That is all off the board right now. It would go all the way up to North Braddock, turn right to go to Large, but the important thing for people, I believe, in the City to make a left at North Braddock, go through Turtle Creek. Again, all along the railroad track right of way and come out onto Monroeville Bypass similar to where the Indian Temple is right now.

So anybody on that end of town, or that region whether it be Churchill, Monroeville, wanting to come to the City could bypass the Squirrel Hill tunnels just by getting on the expressway there and coming down. It is a whole new route, a whole new alignment that I believe everyone would accept and there are no homes, no businesses to be touched.

**The Chair:**

The motion on the floor for the resolution as amended. It has been seconded, I think.

**MR. HERTZBERG** seconded the motion.

**The Chair:**

Seconded for purposes of discussion. Now discussion, if there is no objection, we will just discuss the whole resolution as amended.

**Mr. Udin:**

I just want to thank Councilman O'Connor for including the section on the Oakland impact study. However, I would also mention that I also had some concerns

about the flying train and whether or not the support for the Mon-Fayette Expressway would be jeopardized by the fact that we also, this Council, sent a resolution to Washington expressing support for what may be interpreted by them as a higher priority.

**Ms. McDonald:**

Again, I want to commend Councilman O'Connor for putting a lot of transportation resolutions on the table for us to discuss. Transportation is something – this is a boring subject, let's face it, and it doesn't have the pizzazz but it is so necessary as we see from just the article in the paper today about getting to jobs is work fair flaw. I have said that time and time again. We talk about Welfare reform, unless you provide childcare and transportation to where the jobs are, why talk about it. Being able to be fair to people, you are making minimum wage, and it takes a long time, forever really, to get to your point of destination.

So, again, these transportation issues are very necessary and it is important for Council to be very involved with transportation issues because again, it doesn't have the pizzazz, but it certainly does impact upon a person possibly even getting off Welfare just trying to hold down a job and needing transportation a quicker way of getting transported from a to b and how to go about that. So, you had my support last time, and you have it again.

**The Chair:**

Other discussions?

I am obviously going to vote in

favor of this. I continue to be amazed at how major roads get built in Western Pennsylvania. If anybody has ever driven—I have driven two roads in the last couple of weeks. One is a small road from the Turnpike, actually you take it when you are off Route 30 when you want to go back to the Turnpike, just before you go to the Greensburg Business District, and you catch Route, I think it is called Route 66 and it costs a buck something to ride. I think I was one of maybe three vehicles that was on the road. This was at the height of traffic at 4:30. It is a completely useless road. I can't even believe they built it, but I am sure it cost millions and millions of dollars to build.

Yesterday I had the pleasure of riding on Route 60 off the Turnpike to New Castle. Another completely useless road. I counted nine cars on the road at the height of traffic. Now it had to be hundreds of millions of dollars this extension off the Turnpike going towards 422 in New Castle.

I only use those as an illustration of my amazement at how major roads get built. It is completely political. Sometimes it doesn't even make any sense, doesn't fit into anything logically in terms of development or want to be housing or commercial. Here we are continuing to argue about a major thoroughfare that really clearly would have an economic benefit to the regions. But more importantly, would really resolve some of the major traffic and transportation issues confronting the eastern portion of the City of Pittsburgh and people coming into Oakland and to the downtown corridor. It will clearly pay for itself through the Turnpike Commissions. So I think part of the problem is we

localist as Councilman O'Connor has pointed out in the past. We don't speak with one voice when it comes to lobbying for these major roadways. As a result, you get these powerful state senators and legislators that have been in Harrisburg for 35 years. They don't even represent any major district in terms of political clout, but they have the seniority and they dictate where some of these roads they are building. If you just drive around Western Pennsylvania some afternoon, you will see it. I witnessed it first hand on many occasions. So, I am all in favor of the resolution.

Other discussion?

Mr. O'Connor:

I think we have to remove the excuses that they used that Pittsburgh hasn't decided. I think we have to at least start planning for transportation. I think it is a major reason why we haven't succeeded whether it be this or some other project, I think it is a very exciting time in Pittsburgh and the money is starting to be available if we speak as one voice on this project or other projects, we have the South Side, we have transportation in the air, we talk about jobs. When they were building the airport, why weren't we building something to the airport at the same time? All of those jobs are really going to Beaver County unfortunately.

The Chair:

Any other discussion?

All in favor of the amended resolution. Aye? Opposed? Abstentions?

Which amendment prevailed.

## REPORTS OF COMMITTEES

Any other discussion on this resolution or any other matter under Unfinished Business or Reports of Special Committees?

### MR. UDIN PRESENTED:

Bill No. 2526:

Report of Committee on Finance for October 1, 1997 transmitting a sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2348:

Resolution providing for the transfer of the amount of Four Hundred Thousand Dollars (\$400,000.00) from SSFSP, Special Summer Food Service Program Trust Fund, in the Department of Parks and Recreation, Index 270256, Account 581140, Fund 2855, Organization 521220, Subclass 600, Budget Year 1997 to Code 45, Health/Life Insurance-Municipal Employees, Department of Finance, Index 004507, Account 571100, Fund 1000, Organization 999200, Subclass 040, Budget Year 1997. This resolution is to reimburse Code 45 for the earlier transfer of funds by the Department of Finance to the Summer Lunch Program.

Which was read.

Also,

Bill No. 2349:

Resolution providing for the transfer of the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) from SSFSP, Special Summer Food Service Program Trust Fund, Index 270256, Account 581120, Fund 2855, Organization 521220, Sub-Class 600, Budget Year 1997 to Code Senior Citizens Program Trust Fund, Index 254250, Account 491120, Fund 2850, Organization 530000, Sub-Class, 600, Budget Year 1997, all in the Department of Parks and Recreation. This transfer is necessary to pay salaries and wages for the Senior Interests Program until the Department receives funding from the Allegheny County Institution District/Department of Aging. This is expected by the second half of October 1997. Interim approval has been granted.

Which was read.

Also,

Bill No. 2358:

Resolution transferring \$500.00 from Rent-Equipment, Acct. 560500, Fund 1000, Org. 301000, Sub-Class 100, Budget Year 1997, \$500.00 from Utilities-Elec, Acct. 568100, Fund 1000, Org 301000, Sub-Class 150, Budget Year 1997 and \$2,700.00 from Misc. Services-Misc., Acct. 525500, Fund 1000, Org. 301000, Sub-Class 150, Budget Year 1997 (an aggregate sum of \$3,700.00 ) to Supplies-Traffic, Acct.534500, Fund 1000, Org 301000, Sub-Class 100, Budget Year 1997. This transfer will enable our Traffic Control Division to purchase traffic signal lamps to continue required signal maintenance.

Which was read.

Also,

Bill No. 2362:

Resolution providing for the issuance of a \$2,840.00 warrant in favor of Thomas Berger, owner agent for Hazelwood Towers Associated, in settlement of a claim for sidewalk damage due to City tree roots, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill No. 2363:

Resolution providing for the issuance of a \$1,598.63 warrant in favor of Janet Lester in settlement of a claim for an incident in which the claimant's vehicle was hit by a City vehicle, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill No. 2364:

Resolution providing for the transfer of funds totaling One Million One Hundred Sixty Seven Thousand and Eight Hundred (\$1,167,800) Dollars from various Code Accounts within the Department of Finance and the Department of Law to other various Code Accounts within the Department of Finance. (This transfer is necessary to

avoid a deficit in the remaining 1997 Worker's Compensation payroll).

Which was read.

Also,

Bill No. 2365:

Resolution providing for new and/or existing Agreement(s) and/or Contract(s) for the provision of analysis, design, development, programming, and/or training services in conjunction with the feasibility, development, enhancement or implementation of the Early Warning System in conjunction with the Consent Decree and providing for the payment of the costs thereof, not to exceed Five Hundred Thousand Dollars (\$500,000), chargeable to and payable from Index Code 104505, Account 542700, Organization 103000, Sub-class 120, Budget Year 1997 and for the payment of the costs thereof.

**The Chair:**

You have heard the reading and title of the bills. Any discussion?

**Mr. Udin:**

Yes, Mr. President. I would like to remind Council that at the Standing Committee Meeting last week we reminded all the Department Chairs that when Council requested further information prior to the final vote, that we would appreciate the information and we would appreciate receiving it in time, not on Monday or Tuesday.

There were three bills that are included in the Finance Committee's

group of bills that we had requested further information for. Perhaps it is only my mail that they have been delayed. I would appreciate knowing if other members of Council did receive the clarification that was requested. But on Bill 2364 the Finance Department was asked to provide in a readable form a rationale for the one million one hundred sixty six seven thousand eight hundred dollars transfer that was included in that bill and Bill 2365 we were also asked for information on the design of the early warning system and the conjunction with the consent decree. I have not received that. Perhaps others have. Bill 2354 from the Urban Redevelopment Authority, we have requested a breakdown on how the funds were going to be used for the proposal that they are writing to the Pennsylvania Department of Community and Economic Development. It is a three million one hundred fifteen thousand dollars we requested a breakdown of what was included in that proposal. I have not received it. I would appreciate knowing if other members have and if nobody has received it. I think Council ought to send a clear message to the Department heads that when we ask for the information prior to the final vote that we would like to receive it.

**The Chair:**

The only one I do know about, today October 7 at 9:54, I believe it is, we did receive a memo from the URA from the Urban Redevelopment Authority with a breakdown on the three million one hundred fifteen thousand dollars.

**Mr. Udin:**

When did you receive it?

**The Chair:**

I believe it came to the Clerk's office at 9:54 or is it 8:54?

**Mr. Udin:**

Today?

**The Chair:**

Today. It is a breakdown of the DCA request on the Community Development, the DCA grant we get each year. It is a breakdown of roughly six different programs that are funded. So, we did receive it. I don't know about the other two. I don't recall receiving any clarification on either the review process for CIS or -

**MR. UDIN** moved to reconsider these bills, all three of them, and re-entertain them tomorrow at the Standing Committee Meeting.

**MR. CUSICK** seconded the motion.

Which motion prevailed.

**The Chair:**

Are there any remaining bills in that committee? We are going to recommit those three bills. There were some other bills that were read. Any discussion on any of the remaining bills? Hearing none. If you are in favor of the remaining bills, please vote Aye when your names are called, if you are opposed, vote no. Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Nine      **NOES**      **None**

All of the bills having received the legally required vote, have been approved finally.

**MR. RICCIARDI PRESENTED:**

Bill No. 2527

Report of the Committee on Public Works, Water and Environmental Services for October 1, 1997 transmitting a resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2361

Resolution changing the name of Eighth Street between Liberty and Penn Avenues to Tito Way located in the 2<sup>nd</sup> Ward, 6<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

**The Chair:**

You have heard the reading and title of the bill, any discussion?

**Mr. Ricciardi:**

Just to state, I would like to take this opportunity that I feel compelled to

put this on the record. When we do request information from Director Ralph Kirshefsky he has made a commitment that we will have it by Friday. This is a perfect example of this Bill. As a matter of fact, the information has come up the same day. I realize that other directors may be have been a little lax on that, but I really want to state for the record that Ralph Kirshefsky gets his information up the same week. Thank you.

**The Chair:**

Other discussion?

I am all in favor of Tito Way. On a practical level since many people come to our region and visit the cultural trust area, there are a lot of people who would not necessarily know what Tito Way means or is, and even though we are going to legally rename it Tito Way, I strongly suggest the sign say Tito Compobeaonco Way. On a practical level, unless we are going to honor a Marshall Tito or somebody else. So, it is a small point, but I think Mario Lemieux Way says the whole name. I think it does say the whole name. Maybe it would even be a little more obvious if it were just Mario Way at the Civic Arena given the history there. But with all do respect to Tito, I think the sign should actually say his full name.

Any other discussion on any other bill?

Hearing none. Role call vote on the bill.

The ayes and noes were taken agreeably to law, and were:

**AYES:**



Mr. Cohen            Mr. Cusick  
Mr. Hertzberg       Ms. McDonald  
Mr. O'Connor       Mr. Onorato  
Mr. Ricciardi       Mr. Udin  
                         Mr. Ferlo  
                         (Pres't)

**AYES Nine            NOES None**

All of the bills having received the legally required vote have been approved, finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2528

Report of the Committee on Housing Economic Development and Promotion for October 1, 1997 transmitting a sundry resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2352:

Resolution amending resolution 503, effective 8/11/97, entitled: "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1997 Community Development Block Grant" so as to transfer \$350,000.00 from the Department of Parks and Recreation (Housing Authority Recreational Program and Senior Program) to the Housing Authority of Pittsburgh (Central Relocation Agency) and further transferring funds (\$15,700.00) from City Council (Arsenal and West Penn Fields) to the Department of Engineering and Construction (Sullivan Field) and further

transferring funds (\$15,000.00) from Mayor's Office (Senior Center Equipment) to the Department of Parks and Recreation (Westend Athletic Association).

Which was read.

Also,

Bill No. 2353:

Resolution authorizing a 1997 Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer of funds from the Authority to the City to fund community development corporations, pursuant to which the Urban Redevelopment Authority of Pittsburgh will transfer \$61,337.10 to the City of Pittsburgh to be used by the Department of City Planning to fund community development corporations. Said funds will be deposited in the Community Based Organizations Trust Fund.

Which was read.

Also,

Bill No. 2354:

Resolution authorizing a 1997-1998 Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the designation of the local matching share for a grant applied for in a Single Application for Assistance filed with the Pennsylvania Department of Community and Economic Development ("DCED"). in the amount of \$3,115,000 with DCED for the Housing Recovery Program, Neighborhood Housing Program, Community Development Investment

Fund, Pittsburgh Housing Construction Fund, Urban Development Fund and Streetface and Industrial Site Acquisition and Improvement Programs; and

Which was read.

Also,

Bill No. 2355:

Resolution authorizing the Mayor, on behalf of the City of Pittsburgh, to file an application with the Environmental Protection Agency for a \$350,000 Brownfield's Cleanup Revolving Loan Fund Grant, to execute a Cooperative Funding Agreement or Agreements with the EPA, and designating Urban Redevelopment Authority of Pittsburgh as the City's agent for implementation of the activities set forth in the application

Which was read.

Also,

Bill No. 2356:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an Application for Financial Assistance in the amount of \$3,115,000 to the Commonwealth of Pennsylvania Department of Community and Economic Development for the Housing Recovery Program, Neighborhood Housing Program Community Development Investment Fund, Pittsburgh Housing Construction Fund, Urban Development Fund, Streetface and Industrial Site Acquisition and Improvements Projects.

Which was read.

Also,

Bill No. 2357:

Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Cross Town Builders for the sale of Parcels 9, 10, 11, 12 and 13 (Block 9S Lots 79-104 and 117-143) in the Third Ward of the City of Pittsburgh in Redevelopment Area No. 31, 1601-1723 Webster Avenue, 17-19 Mercer Street, 33-51 Manilla Way and 1705-1709 Roberts Street, Council District No. 6 (residential construction). The purchase price will be \$9,500.00 for each single family lot and \$6,500 for each townhouse lot.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Udin:**

Just to clarify, Mr. President. I mistakenly indicated before that all three of the bill were under finance, one of the bills is under this committee and it has been recommitted.

**The Chair:**

Yes. On the recommitment on a practical level, I don't know if this is a problem, maybe the Clerk wants to call over to the URA. I know frequently we get these bills from URA sometimes at the last minute. There are dead lines relative to the application process with the State Department of Community Affairs. We

did in fact receive a breakdown, albeit six minutes before the start of the meeting. I don't want to necessarily change the recommendation but if the Clerk's office could find out if we have a time constraint. Basically the -- I can't remember the time in the last many years that Council changed the DCA application once URA has held their public hearing and sent over for recommendation a breakdown. We do have a breakdown. I just don't want our action delay any deadline that we are supposed to meet with state DCA. Most of these funds are neighborhood based housing and commercial development initiatives like Street Face and the like. Can we find out from the Clerk's office if waiting another week is going to create --

**Mr. Ricciardi:**

And also when it was logged into the Clerk's office because I am sure it as logged into the Clerk's office, but just not into our individual offices. Maybe in the mean time we can review it.

**The Chair:**

That is fine. I am only suggesting we just find out if there is a deadline problem. I don't want to mess up the DCA application.

**Mr. Hertzberg:**

Mr. President, can you just read what you have there?

**The Chair:**

I can read it unless there is some discussion. Basically --

**Mr. Hertzberg:**

I think it may clarify everything. There is probably not that much there.

**The Chair:**

The bill in relation to the yearly annual request that we get from the State Department Community Affairs, this year it is going to be reduced from \$4 million down to \$3 million one hundred fifteen thousand dollars.

The URA's memo says the Community Development Investment Fund is \$200,000. The Pittsburgh Housing Construction Fund is \$250,000. Neighborhood Housing Program \$850,000. Housing Recovery Program \$465,000. The Urban Development Fund \$550,000. Street Face \$300,000. Industrial Site acquisition Fund \$500,000. Totaling a request of anticipated allotment from the state of \$3 million one hundred fifteen thousand. The companion bill was discussed at length at the table in relation to the Brown's Field issue. I don't know if there was any specific requests. I think we did actually ask specifically what were the intended Brown Fields to be considered underneath the grant. That is a separate issue, but there was a request. I know because I made it. We asked what were the sites that were being considered for Brown Field mediation. I don't know if we received a memo on that.

**Mr. Udin:**

I support the programs that are included. I certainly don't want to damage the possibility of the application being received in a timely fashion, however the DCA makes known that the funds are available months in advance and I am sure that the URA does not wait up until the

very, very, very last minute to prepare their information because if they are going to take Council's consideration seriously and if we are going to take it seriously, we have to have the information in advance. It is not our fault and we can't be held accountable for holding it up if they brought it to us six minutes before the Council Meeting.

**The Chair:**

You may have answered your question in relation to whether or not the URA takes our comments seriously in terms of what we should actually apply for. In any event, if there is no objection to recessing this meeting for tomorrow so we can vote in final forum on these various bills regarding the consent decree and URA. Any objection to that? That will be a way to have our cake and eat it to, or clean up our Brown Field and have it too. Any other discussion on any other bills? Role call vote on the bills that remain.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Nine      **NOES** None

All of the bills having received the legally required vote have been approved, finally, but Bills 2355 and 2356 would be recommitted for tomorrow along with the

other bills Councilman Udin requested earlier under Finance Committee.

**MR. CUSICK PRESENTED:**

**Bill 2529**

Report of the Committee on Parks, Recreation and Youth Policy for October 1, 1997 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

**Bill No. 2350:**

Resolution authorizing the Department of Parks and Recreation to enter into an agreement with the West End Elliott Athletic Association in an amount not to exceed Fifteen Thousand (\$15,000.00) Dollars for expenses incurred by the Association, chargeable to and payable from the West End Athletic Association, Organization 500000, Fund 2610, Subclass C1997, Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

Hearing none. Role call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo

(Pres't)

AYES Nine            Noes None

All of the bills having received the legally required vote have been approved, finally.

**MR. O'CONNOR PRESENTED:**

Bill No. 2530

Report of the Committee on Engineering and Construction for October 1, 1997 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2350:

Resolution authorizing the Department of Parks and Recreation to enter into an agreement with the West End Elliott Athletic Association in an amount not to exceed Fifteen Thousand (\$15,000.00) Dollars for expenses incurred by the Association, chargeable to and payable from the West End Athletic Association, Organization 500000, Fund 2610, Subclass C1997, Project G221428, Year 1997.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

Hearing none, if you are in favor of the bill vote aye when your names are called. If opposed, vote no. Will the Clerk please call the role?

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo

(Pres't)

**AYES Eight            NOES            None**

The bill having received the legally required vote has been approved, finally.

**The Chair:**

That concludes our reports of committee. Under motions and resolutions.

### **MOTIONS AND RESOLUTIONS**

Just real quick on a practical matter, I have asked in the past, but in the Wednesday sessions when the Budget Staff is present, it would be helpful if they would make a notation of our requests even though we may or may not make a request of a director. Sometimes staff people come to the table over the course of the meeting. So, if the Budget Office Staff who is here could make a notation the same way they do for the budget deliberations and follow up, I think it would just help the communication process.

**Mr. Onorato:**

Real briefly, I want to keep everyone abreast of what is happening with the incident that occurred two weeks ago with the playground that was

destroyed in up in the Brighton Heights area. There has been an individual that was arrested, turned himself in. I know the police are doing further investigations. There is a scheduled hearing. We are dealing with a juvenile. I talked with our solicitor in the City, she informed me that there has been a City Solicitor assigned to the case. The sole purpose is to look up the restitution question and follow it through.

I am going to have a meeting with the Solicitor assigned to the case to find out what exactly are the rules when you dealing with a juvenile. I am not going to let this thing just die and forget about what happened. I think it is very important that, not that we hurt an individual, but that we send him a message that certain acts in society that will not be tolerated. I believe and in the long run this could be a benefit to this individual or other individuals if they are arrested if they have to pay a price for what they did here. Hopefully it will put them on the straight and narrow. We are not going to let this thing just fade away. I am going to keep you posted. I would love to have this thing done in open court.

We are looking at those issues and other issues dealing with it too, but as we speak because the residents of the North Side want to know it and I really believe there is actually a public benefit if this is aired out in public. This is not to hurt anyone. But this was a massive destruction that took place in a society and times have to show that there are certain things that we won't tolerate. This is a golden opportunity to do that. We have too many dollars invested throughout our districts and these parks and we have to send a very strong signal. You can't do

that behind closed doors. This has to be a public process and we are working to do that. Whenever I get the okay from the Law Department because I am don't want to jeopardize the case. I will keep you posted of what we are doing and who is involved.

#### **The Chair:**

Thank you very much. Any other discussion?

We have two Public Hearings this week. This evening at 6:30 at Brashear High School. We have a Public Hearing in relation to the issue of the Regional Renaissance Sales Tax proposal. It is at 6:30 this evening at Brashear High School on Crane Avenue. Thursday of this week, Thursday October 9<sup>th</sup> at the Market House in the South Side we have a Public Hearing continuing our discussion and education about the proposed urban zoning code amendment that is now before this body. So tonight on the Regional Sales Tax proposal at Brashear, 6:30. Thursday, South Side Market House in relation to Zoning Code issues. If you want to speak to Council this evening or on Thursday night on either issue, please call the City Clerk at 255-2138.

Any other matter to be brought before the body? If not, a motion to recess this meeting until tomorrow.

**MR. ONORATO** moved to adopt the motion.

**THE CHAIR** seconded the motion.

Which motion prevailed.

## UNFINISHED BUSINESS

### The Chair:

The Legislative Meeting was in recess and we are now reconvening the Legislative Session and I would ask the Clerk at this time to please read, I believe it is three bills, in order for Council, four bills, for Council to take final action.

### MR. UDIN PRESENTED:

Bill No. 2431:

Report of Committee on Finance for October 8, 1997 transmitting a sundry resolution to Council.

Which were read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2364:

Resolution providing for the transfer of funds totaling One Million One Hundred Sixty Seven Thousand and Eight Hundred (\$1,167,800) Dollars from various Code Accounts within the Department of Finance and the Department of Law to other various Code Accounts within the Department of Finance. (This transfer is necessary to avoid a deficit in the remaining 1997 Worker's Compensation payroll).

Which was read.

Also,

Bill No. 2365:

Resolution providing for new and/or existing Agreement(s) and/or Contract(s) for the provision of analysis, design, development, programming, and/or training services in conjunction with the feasibility, development, enhancement or implementation of the Early Warning System in conjunction with the Consent Decree and providing for the payment of the costs thereof. not to exceed Five Hundred Thousand Dollars (\$500,000), chargeable to and payable from Index Code 104505, Account 542700, Organization 103000, Sub-class 120, Budget Year 1997 and for the payment of the costs thereof.

Which was read.

### MS. MCDONALD PRESENTED:

Bill No. 2432

Report of Committee on Housing, Economic Development and Promotion for October 8, 1997, a sundry resolution to Council.

Which were read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2355:

Resolution authorizing the Mayor, on behalf of the City of Pittsburgh, to file an application with the Environmental Protection Agency for a \$350,000 Brownfield's Cleanup Revolving Loan Fund Grant, to execute a Cooperative Funding Agreement or Agreements with the EPA, and designating Urban Redevelopment Authority of Pittsburgh as

the City's agent for implementation of the activities set forth in the application

Which was read.

Also,

Bill No. 2356:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an Application for Financial Assistance in the amount of \$3,115,000 to the Commonwealth of Pennsylvania Department of Community and Economic Development for the Housing Recovery Program, Neighborhood Housing Program Community Development Investment Fund, Pittsburgh Housing Construction Fund, Urban Development Fund, Streetface and Industrial Site Acquisition and Improvements Projects.

Which was read.

**The Chair:**

You have heard the reading and title of the various bills from the Committees, any discussion?

Hearing none, if you are in favor of the bills, please vote aye when your names are called. If opposed, vote no. Will the Clerk please call the Role?

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo

(Pres't)

**AYES Eight      NOES None**

All of the bills having received the legally required votes, have been approved finally.

**The Chair:**

Is there any other matter to be brought before the body? If not, the Legislative Session now stands adjourned.



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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, October 14, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone and a special hello to all of our guests especially to our seniors who have some medals to show this morning. We are very pleased that all of you could attend our City Council session this morning.

At this time, would you please rise for the pledge of allegiance and would you please remain standing for a moment of silent prayer so we may have peace throughout the world.

We have a number of students here this morning pinch-hitting. They are from Overbrook School. They are in the second through fifth grade. We have Jordan Payton, Freeman Liddell, Jessica Bopp, Whitney Binion, Nicole Fink and David Evan and their teacher; Ms. Fortunato is here also. We are very pleased that they are going to help lead us in the Pledge of Allegiance. I would also ask this morning that our moment of silent prayer express City Council and the public's heart felt sympathies to the family of Jimmy Cortez. Many of you are familiar with Jimmy, long time active public servant being a past member of this City Council. More importantly, and equally important, he is a gentleman and somebody who worked hard on redesigning and redefining the growth of this City of Pittsburgh. Our hearts go out to his family this morning who will be remembered for his contributions.

#### Overbrook students:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one Nation, under god, indivisible with Liberty and justice for all.

#### The Chair:

Thank you. I want to thank all the students for coming down here. Actually they weren't even scheduled, but fortunately they were in chambers this morning. So we took advantage of their

presence and we want to take an opportunity to thank the teachers at Overbrook school who are doing a great job. Especially thank you to the students here this morning.

#### **PRESENTATION OF PAPERS**

We have a number of guests in the audience here this morning and a number of proclamations. Some will be read into the record and at this time the Chair recognizes Councilman Cohen.

#### **MR. COHEN PRESENTS:**

No. 2433 WHEREAS, the Silent Witness Initiative was started in 1990 by a group of women artisans from Minneapolis, Minnesota who were disturbed by the growing number of women being murdered by their partners or acquaintances; and

WHEREAS, in 1995, twenty Western Pennsylvania women were killed in acts of domestic violence; and

WHEREAS, the Junior League of Pittsburgh and the National Council of Jewish Women, Pittsburgh Section, have collaborated to create the Western Pennsylvania Silent Witness Initiative, a program to raise public awareness about domestic violence; and

WHEREAS, the Silent Witness Exhibit is a traveling exhibit of free-standing, life-size silhouettes, painted red, each bearing the name and story of a woman whose life was taken violently at the hands of a "loved one"; and

WHEREAS, on October 18, 1997, the Silent Witness Initiative will

participate in the "March to End the Silence" in Washington, D.C.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the National Council of Jewish Women, Pittsburgh Chapter and the Junior League of Pittsburgh for raising public awareness on the problem of domestic violence; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 18, 1997 Silent Witness Initiative Day in the City of Pittsburgh.

**MR. COHEN** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

#### **The Chair:**

I would like the folks, our champions to come forward, our olympiettes. It is hard to think of these folks as seniors. That's why I am calling them Olympic champions. If you would please come forward and Director Faith Gallo from the Parks Department, Mary Ester VanShura and maybe other staff representatives. And obviously make this proclamation on behalf of all of our colleagues here today. We have a proclamation for each one. I guess we will give the Parks Department, the Director Gallo and Mary Ester if you want to hold the official proclamation. I don't know all your other staff here if you want to introduce them later on.

Members of Council, we have a great-distinguished delegation here this

morning. I would like to read on behalf of all of our colleagues the following proclamation.

**MR. CUSICK AND ALL COUNCIL MEMBERS PRESENT:**

No. 2434 WHEREAS, on July 14, 1997 a delegation of 35 athletes representing the City of Pittsburgh's Senior Interests Program ascended on the small college town of Shippensburg, PA, and;

WHEREAS, July 14, 1997 through July 19, 1997 marked the 17<sup>th</sup> anniversary of the Pennsylvania State Games which drew athletes from across the Commonwealth with over 20 venues that were contested in temperatures that were in excess of 100 degrees, and;

WHEREAS, the members of the CitiParks team honored our city by returning with over 150 medals, and

WHEREAS, the CitiParks Senior Athletes included : Frank Cash, Jim Cichra, Art Daravanis, Helen Dennis Margatet Dietrich, Stella Dobrovolsky, Andy Farmer, Betty Farmer, Shirley Grab, Phyllis Haduch, Thelma Halliday, Ann Horton, Bob Horton, John Howe, Milton Jones, Nick Kandravy, Anna Lambert, Jerry Land, Elsie Lowen, Blanche Michalski, Mary Musulin, Rosalie Nesbitt, Mary Ellen Ponticel, Ruth Rosenberger, Mary Sankey, Steve Shack, Rose Snyder, Mary Speakman, Walt Speakman, Patricia Toney, Andy Toth, Francis Walsh, Lois Walsh, Edna Wikerson and Mary Wohleber; and CitiParks staff Christine Brown and Kern MacIntosh, and;

WHEREAS, Steve Shack, 87 years young was the oldest citiparks competitor

and collected the most medals among the men with 10 gold and 3 silver for a total of 13 medals, and;

WHEREAS, Mary Wohleber was our top female medallist with 3 gold and 5 silver medals.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the Pittsburgh Senior Interest Athletes for their outstanding performance at the Shippensburg games and proudly honors them as representatives of our great city.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**The Chair:**

All of us applaud you and let's give you a hand.

I want to ask Director Faith Gallo from the Parks Department to say a few words and maybe introduce some of the staff that might be here and if there are some of the athletes who want to say a few words, we would love to hear from you. Director Gallo.

**Ms. Gallo:**

Well ascend from Shippensburg they did, and you will hear from every single one of these, Councilmen. I would like to introduce the Senior Supervisory Staff if you would like to come forward please Jim Crashna, Leila Laventa, Ray Fisher. I would like to publicly thank

them and Mary Ester VanShura for all their hard work on putting together such a great senior program. And now without further ado the seniors have some words for you.

**Ms. Ester VanShura:**

We thought a nice touch rather than telling you about our experiences was to sing about our experiences and we are going to give you a copy and we are going to sing it to Old MacNamara's band. This was written and celebrated in song by Betty Farmer put this together for us. Betty Farmer is right here in the front. Are we ready?

(The senior's sang a song.)

**Ms. Ester VanShura:**

Also for the next few months we encourage you to join us in some of the new programs that we have in preparation for the games. We also have a new goal and that is to send several of our medallists to the National Games and so over the next year or two we are going to be practicing to see that indeed Pittsburgh can well be represented Nationally. For some of you that may not have heard, we have recently expanded our water aerobics program, we now have four programs that started this year. We have a golf program. We have a tennis program and probably the most interesting lately which every Wednesday afternoon Councilman Cohen I know you bicycled across the United States, we now bicycle on Wednesday afternoons. If you can join us in any of these athletic events, please do so. We would surely appreciate it. Thank you.

**The Chair:**

I think we would like to hear from one of the athletes about your experience in Shippensburg and what it meant to you.

**Speaker:**

We can't wait till next year.

**The Chair:**

You can't wait till next year. No one wants to come forward and say a few words. All right we respect that. When you're a great athlete, you don't have to come forward.

I am going ask all our colleagues to come up here and to take a group picture here so we get everybody. Since these fine men and women come from all of our Council districts all over the City of Pittsburgh, so if we could get a group photo and staff. If we could get Director Gallo and Mary Ester VanShura and everyone.

Thank you and congratulations to all of our fine representatives from the City at the Shippensburg Annual Games and we look forward to next year. If you need help from this Council with transportation or whatever let us know and we would be glad to help out.

At this time Councilwoman McDonald has a couple to be read into the record.

**MS. MCDONALD PRESENTS:**

No. 2435 WHEREAS, the Alumnae Association of Mercy Douglass Hospital School of Nursing is holding its annual homecoming in Pittsburgh at the

Doubletree Hotel on October 10<sup>th</sup> thru 12<sup>th</sup>, 1997; and

WHEREAS, the Mercy hospital and Douglass Hospital were founded in the early 1900's in Philadelphia, Pennsylvania. Until the 1940's they were the only institutions in Pennsylvania that provided education to African-American physicians in need of internships, and African-American females seeking to become registered nurses; and

WHEREAS, in 1948 Mercy hospital and Douglass hospital merged to form Mercy-Douglass Hospital. This hospital provided internships and education until 1960. In the mid 1960's the hospital other hospitals in Pennsylvania integrated their educational program; and

WHEREAS, although Mercy-Douglass Hospital has closed, its alumnae continues to promote nursing education for African-American youth. Each year the alumnae provide scholarships to nursing students as well as assists in providing health care to people from various communities.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh commends and recognizes the Alumnae Association of Mercy-Douglass for continuing to educate and promote African-American participants in the health care field.

Also,

No. 2436 WHEREAS, Mount Ararat Baptist Church will celebrate their 91<sup>st</sup> Anniversary Friday, October 10, 1997 through Sunday October 12, 1997, with

the theme "91 Years In The Service Of The King"; and

WHEREAS, Mount Ararat Baptist Church was organized in 1906 at a meeting held at the residence of Mr. and Mrs. J. H. Marshall in East Liberty. As a result of this meeting, a one-story building at Penn Avenue and Beatty Street was secured. The first service was conducted the second Sunday of October 1906, by Dr. C. W. McCall. It was formally organized by a council of the Pittsburgh Baptist Association with Reverend Stanton as moderator with eighty people in attendance. In July 1989, ground breaking ceremonies were held for "The Commencement of a Vision" an expanded facility, and the new church; and

WHEREAS, throughout its glorious history, Mount Ararat Baptist Church has been blessed with a succession of Pastors whose guidance and leadership have helped it to grow and flourish, as well as members whose steadfast faith and devotion have enabled it to become a vital and inspiring presence in the community.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends Mount Ararat Baptist Church for ninety-one years of dedication and commitment to the community and for their unchanging hand unto the Lord.

MS. MCDONALD moved to adopt the resolutions.

THE CHAIR seconded the motion.

Which motion prevailed.

Mr. Onorato:

Helen come forward. Helen Bonneau. We were up in Northview Heights last night for a Community Meeting and we presented the proclamation and we wanted Helen to hear it here today and she brought the award down and we are going present it now on TV cable.

**MR. ONORATO PRESENTS:**

No. 2437 WHEREAS, Helen Bonneau is a tenant in the community of Northview Heights and has given of herself, volunteering her time and energy to benefit others; and

WHEREAS, Helen is involved in numerous activities and has made many suggestions to get the residents of Northview Heights involved in their neighborhood. She has proposed a youth program in which children can participate in constructive activities; and

WHEREAS, Helen is a part of the Northview Heights Grounds Task Force. She encourages children and adults to help with ground maintenance and works to instill a sense of pride in these individuals about their home; and

WHEREAS, Helen also is a part of the "House of the Month" event which advocates keeping the community clean, safe, and beautiful; and

WHEREAS, Earth Day is a day to recognize the beauty of our planet and where we live and our responsibility to care for it. Helen encourages Northview residents to participate; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates and commends Helen Bonneau, resident of Northview Heights, for all of her contributions to the Northview Heights community.

**MR. ONORATO** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

I think more importantly that I can point out here, Helen, this was recommended by the tenant Council. They recognized that she provides a lot of services and she is a great asset to Northview Heights. She did not know that they were nominating her name. It was a surprise. I think that even means more when it comes from your peers up there, Helen, and I would like to say congratulations. Would you like to say a few words?

**Ms. Bonneau:**

Well, I would just like say that I really do appreciate this, finding out and it was a beautiful surprise that I gained. I am able to let it be known that I have come to find out in the recent past, not as recent as it may sound, but I am able to see the community like a meal table. These different kind of things that children want to join with me and do and I am hoping that more people want to join in and do can be like the bring the food fork, that can nourish the community. Mainly the people in the community. And this be able to

spread to other places be shared and so on things that could come out have it. Spread through the City and help recognition be gained by other tenants in the City and help Pittsburgh become more beautiful and better for other people to see and like and want to be a part of, if necessary.

I just want to keep this up. Even with some problems I have, medical and so on, and I believe I will be able to keep up to some degree hoping that this will grow to help the City of Pittsburgh. Thank you.

**MR. ONORATO PRESENTS:**

No. 2438 WHEREAS, Sister Mary Damian has been a member of the Benedictine Community of Sisters for sixty years; and

WHEREAS, Sister Mary Damian, at age 86, rises at 5:30 a.m. each morning to make coffee for her colleagues. She also drives the other sisters at the convent to their doctor appointments and spends time making delicious homemade bread and rhubarb jam; and

WHEREAS, Sister Mary Damian has devotedly given of herself serving both her Church and her community; and

WHEREAS, Sister Mary Damian for many years was the legislative representative for the AARP #1435 which meets at the Riverview Presbyterian Church on Perrysville Avenue; and

WHEREAS, she tirelessly represented the seniors of this group through her attendance and participation at the legislative meetings held in Downtown Pittsburgh. She diligently reported back to

the seniors about the decisions made which effected the group.

WHEREAS, Sister Mary Damian was recently elected an officer for AARP #1435 and will continue to volunteer her assistance to the seniors by serving as Secretary for the group.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Sister Mary Damian for selflessly helping the seniors of the North Side and offering up her talents to benefit others.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

**THE CHAIR PRESENTS:**

No. 2439 WHEREAS, Morningside used to be part of Collins Township until it was annexed by the City of Pittsburgh in 1868 and was a farm community until the introduction of the trolley car in the early 1900's; and

WHEREAS, in 1870 a one room frame school house was erected on the present building site of the Morningside School and between 1870 and 1879 two additions were added to the original school;

WHEREAS, in 1897 the original school and its two additions were replaced and a fire-proof brick building of eight rooms was erected on the original site; and

WHEREAS, due to the rapid growth of the Morningside community, four new classrooms, an auditorium seating 200 persons and a large well equipped gymnasium were added in 1926; and

WHEREAS, Morningside School, which at one time housed five hundred children from kindergarten through the eighth grade was closed in 1980 much to the chagrin of the community; and

WHEREAS, through the unrelenting efforts of the community, Morningside School was reopened in September of 1996 as a K-5 school with an enrollment of 130 students; and

WHEREAS, with the announcement at the end of the 1996-1997 school year by the Pittsburgh School Board that Morningside would become a K-8 school by the 1999-2000 school year enrollment has climbed to over 220 students; and

WHEREAS, the reopening of Morningside School has brought it full circle back to an elementary school with a heritage and tradition of one hundred years of dedication to educating the youth in Morningside; and

WHEREAS, the Morningside School Centennial Committee is searching for former principals, teachers, PTA officers, school staff, students and community members to celebrate the centennial kickoff "Welcome Back to Morningside School" scheduled for October 23, 1997.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, hereby commends and

congratulates Morningside School for providing 100 years of quality education to the children of Morningside; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares October 23, 1997 to be "Morningside School Day" in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you very much. That concludes our read and adoptives. Moving to Presentation of Papers.

**MR. COHEN PRESENTED:**

No. 2440 Resolution providing for the issuance of a warrant in favor of Premier Safety Service in the amount of Fifty Four Thousand Two Hundred Forty Two Dollars and Seventy Cents (\$54,242.70) for the purchase of turn out gear.

No. 2441 Resolution Authorizing issuance of a warrant in the amount of \$53,500.00 in favor of Braddock Hills Construction, 620 Fourth St, Braddock PA 15104 in payment of contract for demolition and removal of a 3 story brick and marble veneer commercial building located at 14-16 West North Avenue, Ward 22, without previous authority of law and providing for the payment thereof.



Which were read and referred to the Committee on Finance and Budget.

**MR. CUSICK PRESENTED:**

No. 2442 Resolution providing for the transfer of \$3,276.58 from the Swimming Pools Maintenance Trust Fund, Index 254334, Account 581140, Fund 2860, Subclass 600, Organization 522000, Budget Yr. 1997, to the Public Safety-Police School Guards, Index 144402, Account 491120, Fund 1000, Subclass 010, Organization 231700, Budget Yr. 1997.

Which was and referred to the Committee on Finance and Budget.

**MS. MCDONALD AND MR. HERTZBERG PRESENTED:**

No. 2443 Resolution amending Section 3 of Resolution No. 151 of 1997 amending Resolution No. 417 of 1994 (which is providing for acquisition from CSX Transportation, Inc., of certain property located in the 6<sup>th</sup> and 9<sup>th</sup> Wards of the City of Pittsburgh for park purposes and providing for the payment of the cost thereof) to authorize a Cooperative Agreement with Urban Redevelopment Authority of Pittsburgh as the City's agent to provide for professional services that will advance riverfront park and trail development through the exploration of alternative funding strategies and design solutions and providing payment for the cost thereof

No. 2444 Resolution Approving Execution of a Contract For Disposition of Land By and Between the Urban Redevelopment Authority of Pittsburgh and Crawford Square Apartments III, L.P.

for the sale of Parcels 14, 65, 65A, 134 and 136 (Block 2C Lots 154, 154A, 156, Block 2D Lots 150, 150A, 303-311, Block 9S Lots 349 - 358, Block 11A Lots 60 - 66) in the Third Ward of the City of Pittsburgh in Redevelopment Areas No. 31 and No. 32, 1522-1526 Webster Avenue, 1800-1818 Centre Avenue, 70-82 Roberts Street and 8-16 Heldman Street, Council District No. 6 (residential construction).

No. 2445 Resolution Approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the Sale of the following properties in the 21<sup>st</sup> Ward of the City of Pittsburgh, in Redevelopment Area No. 27, Council District No. 6 (Residential Rehabilitation and Rear yard):

22-K-379 B/L  
1320 Liverpool Street  
\$1,000.00+costs

22-P-41 B/L  
1415 Fulton Street  
\$ 550.00

22-P-42 B/L  
1417 Fulton Street  
\$ 550.00

22-P-44 B/L  
1303 Liverpool Street  
\$1,000.00+costs

22-P-45 B/L  
1305 Liverpool Street  
\$1,000.00+costs

No. 2446 Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban

Redevelopment Authority of Pittsburgh and Manchester Housing Partnership L.P. I for the sale of the following property in the 21<sup>st</sup> Ward of the City of Pittsburgh, in Redevelopment Area No. 27, Council District No. 6 (Sideyard):

<u>Block/Lot</u>	<u>Address</u>
22-E-304	1429 Nixon Street

No. 2447 Approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Housing Partnership L.P. III for the Sale of the following properties in the 21<sup>st</sup> Ward of the City of Pittsburgh, in Redevelopment Area No. 27, Council District No. 6 (Residential Rehabilitation and Parking):

1429 Sheffield St  
7-B-390  
\$1,000.00+Costs

1433 Sheffield St  
7-B-392  
\$ 1.00+Costs

1529 Sedgwick St  
22-L-141  
\$1,000.00+Costs

1208 Liverpool St  
22-L-242  
\$2,100.00+Costs

1237 Liverpool St  
22-R-3  
\$1,000.00+Costs  
1235 Liverpool St  
22-R-4  
\$1,000.00+Costs

1113 Sheffield St  
22-R-202  
\$1,000.00+Costs

No. 2448 Resolution Approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Jerome Williams for the Sale of Block 26-E Lot 165 in the 6<sup>th</sup> Ward of the City of Pittsburgh (Council District No. 7 – 1120 Herron Avenue – Sideyard).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

#### **MR. O'CONNOR PRESENTED:**

No. 2449 Resolution Providing for a Contract or Contracts, or use of existing Contracts, for Plumbing and Electrical Services in connection with the construction of a Concession Stand at Sullivan Field (Council District No.7); and providing for the payment of the cost thereof. Not to exceed \$20,700.00.

Which was read and referred to the Committee on Engineering and Construction.

#### **MR. ONORATO PRESENTED:**

No. 2450 Resolution Approving a conditional use exception under Section 993.01(a)A(1) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Anthony and Deborah Amato for authorization to construct a clustered residential development with six townhouse dwelling units, each with an integral garage, and eight additional parking spaces on a site located at 1-6 Lorelei Lane off Zang Way on property zoned "S" Special District, 24<sup>th</sup> Ward.

**MR. ONORATO** moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8<sup>th</sup> calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

No. 2451 Resolution Providing for an agreement or agreements with a consultant or consultants to conduct parking studies to determine if selected Pittsburgh residential neighborhoods meet the impaction criteria as specified in the Residential Parking Permit Program Ordinance, chapter 594.04, in order to qualify for designation.

No. 2452 Resolution Providing for an Agreement or Agreements with Frederic R. Harris, Inc., a consultant, for the purpose of providing transportation planning/engineering, land use planning and urban design services to conduct a transportation, land use and urban design study of the West Carson Street Corridor, from First Street to the McKees Rocks border.

No. 2453 Resolution Approving a conditional use exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Chatham College for authorization to construct a three-story, 22,000-square-foot extension to the existing Buhl Science Building on the campus of Chatham College located at 1035 Woodland Road on property zoned "R3" Multiple-Family Residence District, 14<sup>th</sup> Ward.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

#### **The Chair:**

I want to remind our colleagues we have a post agenda immediately following this meeting regarding the community development walk grant and related allocations.

#### **MR UDIN PRESENTED:**

No. 2454 Resolution Providing for the transfer of the amount of Twenty Thousand Dollars(\$20,000.00) from Code Account No. 1060, Salaries-Regular Employees, Index Code 106005, Account 511000, Fund 1000, Organization 107000, Sub-Class010, Budget Year 1997; Five Thousand Dollars (\$5,000.00) to Code Account No. 1061-1 Premium Pay, Index Code 106112, Account 516000, Fund 1000, Organization 107000, Sub-Class 020, Budget Year 1997; and Fifteen Thousand Dollars (\$15,000.00) to Code Account No. 1063-1 Education and Training, Index Code 106310, Account 564400, Fund 1000, Sub-Class 030, Budget Year 1997. All Code Accounts within the Department of Finance.

No. 2455 Resolution Further amending and supplementing Resolution No. 498, effective August 11, 1197, entitled, "Making Appropriations to pay the expenses of conducting the Public Business of the City of Pittsburgh and for meeting the debt charges thereof for the Fiscal Year beginning January 1, 1997," by making certain corrections.

No. 2456 Resolution of the City Council of the City of Pittsburgh,

Allegheny County, Pennsylvania (the "City") authorizing the incurring of nonelectoral debt for the purpose of providing funds to be applied for, toward and in connection with funding certain capital projects in the city's capital improvement program, to pay certain capitalized interest on the bonds and to pay the costs of issuance of the bonds (the "project").

No. 2457 Resolution providing for conveyance by the City of Pittsburgh of certain property, under act no. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

#### **THE CHAIR PRESENTED:**

No. 2458 Communication from Eloise Hirsh, Director of City Planning, submitting the recertification of Area "J" West Shadyside Bellefield for the Residential Parking Permit Program in accordance with the Pittsburgh Code, title Five, Traffic, Chapter 549, Residential Parking Permit Program, Section 549.06(d).

Which was read, received and filed The

#### **The Chair:**

That concludes our presentation of papers moving to -- I am sorry, the previous report from Director Hirsch on the parking needs a motion to receive and file.

**MR. HERTZBERG** moved to adopt.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

#### **The Chair:**

Thank you very much. And at the Mayor's Capital Budget address yesterday, I failed to introduce our City Controller Tom Flaherty and our Deputy Controller Mr. Pecora, and they have my apologies.

With that, we will move to the -- not that they said anything.

#### **UNFINISHED BUSINESS**

Moving to unfinished businesses and reports of special committees, it is not really on this Committee, but we can take it now to move the agenda along.

#### **Mr. Onorato:**

I don't care if we do it now or at the end. It is up to you. Procedurally we can do it now if there is no problem.

I would like to present a resolution. Mr. President, I am going to read the resolution from here. I wanted to hand that to the Clerk and I do want to recognize that we have three people in the audience. We have Guy Costa from the, obviously he is the Executive Director, but he is the Chairman of the Columbus Day Parade Committee and Mike Acquaviva, who is here and Joe Andraya, Councilman of Italy in Pittsburgh and I just want to read this resolution at this point. Where as several major incidence.

#### **MR. ONORATO PRESENTED:**

Requesting the City Solicitor to

assign a full time attorney to pursue restitution in vandalism cases and requesting that the Pennsylvania State Attorney General and Allegheny County District Attorney utilize the Ethnic Intimidation Statute in prosecuting the individual or individuals responsible for defacing the Christopher Columbus statue.

WHEREAS, there have been several major incidents of vandalism in recent weeks; and

WHEREAS, the residents of the City of Pittsburgh have hundreds of thousands of dollars invested in public parks and playgrounds; and

WHEREAS, the City recently established an intense graffiti removal program; and

WHEREAS, the latest act of vandalism involves the willful destruction of the Christopher Columbus statue in Schenley Park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PITTSBURGH THAT the Pennsylvania State Attorney General and Allegheny County District Attorney are hereby requested to utilize the Ethnic Intimidation Statute in prosecuting the individual or individuals responsible for defacing the Christopher Columbus statue; and

BE IT FURTHER RESOLVED, a considerable reward will be offered for any information leading to the arrest and conviction of individuals responsible for the graffiti; and

BE IT FURTHER RESOLVED,

that the Solicitor is hereby requested to assign a full time attorney to pursue restitution in vandalism cases.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded for discussion.

Mr. Onorato:

I know everyone has heard by now, I know Councilman O'Connor where the statue sits in his district has been out there around the clock since it happened. I have been involved as of yesterday when I heard about it. Councilman Ricciardi has been involved dealing with the Public Works being out there and I am sure other colleagues have been involved and it is just another outrage on attack of public owned property that we have unfortunately seen to often here.

I put the resolution forward because I think we have an opportunity here to once again send a signal, show the public that we are not going to tolerate this and to use all the tools that are possible and let the prosecutors know that we want them to use any tool they can possibly use to bring these individual or individuals to justice when they are-- when they are arrested and found guilty.

I believe that will happen soon because the last I heard the award money was approaching \$4,000. We have a lot of people throwing in \$500 including colleagues here and outside groups. My office received a few calls already today wanting to know where they can right checks to. One thing I have learned when the award gets that high people start

talking or they start turning themselves in. So I would hope that by the end of the week we have some kind of lead going on.

But getting back to the resolution and the main issue of the resolution which was the ethnic intimidation statute, I had the law firm that I was associated with look at the statue yesterday and what we are asking for here is for the state Attorney General or District Attorney's office who ever ends up prosecuting to utilize the statute and to -- the reason I went to them to utilize the statute it gives them a broader scope and it removes it from a simple misdemeanor and sort of ups the ante a little bit here. The reason I want to use it is for several reasons. One, we have to recognize this is more than just an attack on a statue. If this happened in the middle of winter or middle of summer, maybe I would not be asking for this. But every one knows what this weekend was. Everyone knew that there were a lot of events scheduled. As a matter of fact there were press conferences released. There were agendas released of all the events starting on Friday night, Saturday leading up to a final ceremony in front of the little statue on Sunday morning. It is my understanding that the individuals that are responsible for the event on Sunday morning were even out there the night before and there was nothing wrong with the particular the statue at that time. But by the time they showed up in the morning to have their function in front of the statue, well something happened within that 12-hour period that defaced the statue.

It is my opinion that this was done at this particular time of year because of the activities that were going on. We cannot look at this in a vacuum as though this was just one statue attack. There were

four other statues that I passed on my way into Schenley Park yesterday that were not touched. I don't think it was coincidence that this statue was attacked on this particular weekend in this country. We are hearing rumors, stories now that Philadelphia it happened there too. I think that the statute should be utilized. I would hope that my colleagues would support me here. And let's let the prosecutors decide when they look at the statute of what they want to use at this point. I just want to make sure that they consider this statute when they are bringing charges because it would at least up the ante on the type of punishment and I just think its appropriate in this case.

#### **The Chair:**

#### **Other discussion?**

I have to comment a little bit because the -- maybe someone will be a little bit upset at my comments now. But coming from me not only as an Italian American but also an elected official I cannot vote and support this resolutions as it is presently worded. I do not believe that the incident and the tragedy of the destruction and damage of this statue over the weekend, I was there yesterday also like many other colleagues, represents in any stretch of the imagination so-called ethnic intimidation and somebody who fought as civil rights advocate for law involving ethnic intimidation and has been involved in number of incidents involving both outright racism as well anti-Semitism in my own Council district, I feel this is a tright use of an important law that we have on the book to resolve important incidence of crime in the City of Pittsburgh. I think it trivializes what actually happened over the weekend regarding the statue.

I have to respectfully vote no. I do not support the notion that this is in anyway involving ethnic intimidation. Oscar Wild once said that when a man does a thoroughly stupid thing it always from the noblest act or noblest motive and probably through some bizarre philosophical ideological slant of the graffiti a vandal or vandals or a group of vandals who ever perpetrated what is a crime. I agree with Councilman Onorato, it is a crime what happened. It's a stupid act but I do not believe it elevates itself to any notion of ethnic intimidation. I just hope that that person is listening to this meeting today.

I think a lot of people are very upset about the destruction of the Columbus statue.

I am upset for a lot of different reasons. First of all, as elected official not only as President of Council but everybody at this table here today, this City Council we have gone out of our way on any social issue that even in some ways doesn't even have anything to do with local city government. This City Council Chambers we have provided a public forum for any individual, any group, from the right to the left or anybody in between to use these public democratic chambers to express anything they want to express and the last 10 years I have been in this office and for many years prior to that, people have come to these chambers to talk and to argue and to express their philosophical and ideological view points on things I even find distasteful. That is an avenue that is open to the individual or individuals that destroyed an important work of art in the Schenley Park Community. That is disappointing and that is why I am very upset about what happened over the

weekend.

As an Italian American, I am upset. Because the fact of the matter is, if it wasn't that community primarily in the City of Pittsburgh even dating the 1958 placement of the Frank Bidder statue. If it wasn't for the considered effort in fund raising and sinegy of energy that went into putting that statue there and getting it commissioned by an important Pittsburgh sculptor Mr. Frank Bitter we wouldn't have the beauty and the splendor of that statue and what it represents.

So I am upset in that respect. I am also upset as a historic preservationist. Because this is a gentleman, I don't even know if the graffiti vandal or vandals or whatever the individual groups say they are or who they are. We don't know I am upset as a historic preservationist because I know if they even know about Mr. Frank Bidder. But I think colleagues know I spent a lot of time on preservation issue. This is a man who was born in a little town in Italy in the late eighteen hundreds. He came to Pittsburgh and the United States in 1917. He barely spoke a few words of English. He had an early benefactor from Councilman Ricciardi's district, Mr. Brashear who put him under his wing and gave him some resources to develop his skill. This is a sculptor and an artist in Pittsburgh that taught at the Carnegie Institute. He taught at the Irene Kaufmanns Center, in Mr. Ricciardi's district, he taught at the Carnegie Museum, and the fact the was even a member of the City Planning Commission in the early decades of our City.

He has so many statues and works of art in the City of Pittsburgh and around the country, it is hard to list them all. This

is a man I hope this graffiti vandal whoever he or she or they may be of whatever philosophical or political bent or whatever sickness they have regarding graffiti I hope they understand what they have done and how they have damaged the integrity of a gentleman who has made an unbelievable contribution to the esthetics of the City of Pittsburgh. This is a man who did a statue not only of John Brashear, of George Washington, he did the statue that the Pirates ripped off the Honnos Wagner statue that used to be in Oakland that they took over to the stadium. That was one of my loves when I lived in Oakland over ten years. He did a statue of Teddy Roosevelt. He actually designed the model for the 1936 half dollar commemorating the battle of Gettysburg. I don't know if you have ever seen the Thomas Jefferson Memorial Mausoleum in Pleasant Hills. He even did a little drinking fountain in Highland Park in my district with the fish. It is a famous drinking fountain in Highland Park. He did behind us on the Boulevard of the Allies. He did the entrance way of the World War one motif entrance to the Boulevard of the Allies here at Grant Street. He did down in Councilwoman McDonald's district the important war memorial statue outside of Peabody High School.

He did the Bloomfield World War II memorial across from the center right off of Baum Boulevard at Norwood, and probably several hundred important works of art. I am upset that this statue has been destroyed. Also as a park enthusiast and as somebody who cares about preservation, when you think about all the things that are in Schenley Park including the works of Mr. Bidder and Moretti and a lot of other important artists, it is

collectively upsetting. As far as I am concerned, they should be drawn and cornered if we ever find out who they are. They should be prosecuted to the fullest extent of the law of which we have several because of the statutes covering graffiti vandalism. I would certainly support any resolution that draws attention to the solicitor and chief of police to prosecute to the fullest extent of the law whatever that be. If there are some statutes that involve desecration of historic properties under the City code because of the Schenley uniqueness, if there is any reference to the graffiti vandalism that we have including our own City code of ordinances, I am all for that.

I just have to respectfully disagree with the notion that this particular statue and its destruction that we can second guess what the motivation is because of the words and the blood that is adorning, if you can use that phrase, this statue, but I do not believe that the issue of ethnic intimidation, I think it really trulizes what really happened over the weekend.

So I want to respectfully indicate my vote no on this resolution at least this way it is presently worded.

**Ms. McDonald:**

Thank you, Mr. President. I think often times we as elected officials, when you have a resolution as such, you don't want to offend. Bottom line, you don't you want defend. We want to be politically correct. But in side barring with the colleague here I expressed concerns because I unlike Schwastagoes, really serious racial slurs being scribbled across peoples doors, crosses being burned in people's lawns, there is various forms of



ethnic intimidation that can occur in a store where you call someone a name. So with this particular incident, I can't say whether or not, was it ethnic intimidation it could have been. It could have been directed and then I don't know.

What I would like to say about this whole resolution, I support the spirit of it because I don't believe there should be any ethnic intimidation at all in the City of Pittsburgh. But unfortunately, racism is a reality. It impacts me, it impacts people that look like me all the time in my neighborhood, poor people that don't really look like me, but they're poor, so there is ethnic intimidation in all forms.

I though am going to abstain because I want to support the spirit of it. If there is ever a case where like in Alderdice, predominantly Jewish community, what was it last year, Councilman O'Connor, Councilman Cohen, about a year two years ago that was a mess. That was an absolute mess. We had ethnic intimidation and that was serious ethnic intimidation. But what I don't like, Councilman Onorato, is just the last sentence, that the solicitor is hereby authorized and directed to assign a full-time attorney to pursue restitution and vandalism cases. I would prefer to speak with the administration to find out what are they doing what is being done to pursue vandalism. I agree with the last sentence, but not necessarily to assign a full-time attorney. I don't want to over stretch. We want to reduce the vandalism. We don't want ethnic intimidation, but I would like to hear what is already being done before we with shrinking budget and hundreds of people behind us that are very angry about the shrinking pots of money and budgetary cuts that impact them. I

want to make sure we don't spend 50, a hundred thousand dollars when it is already being done or put to better use.

So, again I support the spirit of your resolution and I agree. That it happened over Columbus Day Holiday and I think the timing was very peculiar and that there probably was an element of ethnic intimidation. But to support the resolution as is, I must abstain and do want to remind all of my colleagues, it doesn't mean that there is no support or no support of Italian American's. I don't look at Christopher as representing all Italian Americans. I think of those people came over on ships and boats that weren't with Christopher Columbus that were really hundred or two hundred years ago that came over as immigrants, that came to New York. Those are the people I look at as the Italian Americans that set the stage for this country not just one figure. So just because someone desecrated it doesn't mean that we don't support Italian Americans. It just simply means that we don't like desecration or vandalism of any properties. But I am sorry, Italian Americans are more than just Christopher Columbus to me and it always will be.

So again, I would hope that my colleagues out there and constituents who are of Italian descent as Councilman Ferlo said, do not take this not support. It is just that I separate the two issues. When you call any ethnicity a slur, you have my ire because I don't like it and I don't agree with it. Just as though we abstained on the million-man march because we weren't quite sure, it's the same type of thing.

We are not sure here. I am not sure here if this was ethnic intimidation, but I support the spirit of it and I just going to simply abstain.

**Mr. Udin:**

I want to speak to one; I support the issues and concerns expressed by Councilwoman McDonald and Councilman Ferlo. However, I will be voting in support of this resolution. I don't think that having the Attorney General or the District Attorney look into the case to determine whether or not the basis of the attack was ethnic intimidation weakens ethnic intimidation of other kinds. It may in fact strengthen it.

I do have some concern with the language concerning a full-time attorney. I'm not sure whether or not the Councilman is asking that a solicitor be assigned to this full-time or one of the full-time solicitors be assigned to this in addition to some other duties, or if this necessarily excludes the use of one of the part-time solicitors who may have some expertise in it. But I think that there are many times when people within the African American community have been attacked and the attacked is not always clearly ethnic intimidation but it is experienced as that. I think it deserves when people experience as that it deserves to be looked at I think that the people who will look at it and have. Investigate it will determine whether or not it was ethnic intimidation. It could be and it could not be. If you look at what was written on the statue it could be kind of a far left wing political message. It could have been a lot of things, but it deserves being looked into. I don't have any problem with supporting it.

**The Chair:**

Again, the resolution does say explicitly that it will utilize not that it

should explore and review the ethnicity of the act.

**Mr. O'Connor:**

I just want to briefly— our involvement in my office really came from my Marleen Cassidy, Rende-Cassidy, who is Italian American. We were very active. I was on parks and it was in my district and I saw first hand, you gave a very good history lesson from 58 what happened with the statue. But in 1992 with the Columbus Five Hundred Organization there were hundreds of thousands of dollars actually not dollars but volunteer dollars, volunteer labor contributed. The only money spent to redo the whole statue was for materials. All the labor was free. I don't want to start naming names, I know Art Trangelo and Lombard Denardo family who— Sunday the tribute was to him and all the work he did for the statues, our shock in dismay we saw what happened.

I want to thank Public Works, I called them as soon as it happened and they had people on the scene that afternoon. Unfortunately, it was more than we thought, which was not a simple graffiti type clean up. The experts were there yesterday.

I called Chuck Morrison from Human Relations and he, at least over the phone, thought that it would fall under ethnic intimidation. I am only holding him to a verbal, and he was going to look into it as far as legal whether it did fall under that or not. But his impression was that it did to support Councilman Onorato's evaluation.

I must disagree one thing you said Jim about graffiti. This is not the normal

graffiti person who was out a bunch of teenagers having to have a spray can and do some graffiti, this was very premeditated. I don't know if it was at the Italian American community or Americans in general. But there were Christmas bulbs one dozen Christmas bulbs filled with oil based paint with a nice big thick two inch clear tape which covered and thrown similar to a baseball or water balloon and a dozen thrown at this statue. That's the hardest paint to take off.

As you know Saturday night was the Pitt Notre Dame game, Oakland was tremendous a lot of people all over, this happened to happen about four in the morning. The spray was different, the words were sprayed. Whoever did this had a political agenda and knew what they were talking about and knew what they were doing. That's why I think we should use all of our efforts and forces. Again, it may be one person with a deranged mind, but it was a smart mind he used to do this. Not only to plan it, the actions and the dates, I think we should support this resolution and there maybe words we can disagree with. Whether it be a full-time solicitor or someone on our office staff, right now who can spend the next couple of weeks or months evaluating this and going after this culprit. We cannot tolerate this in our community. I will say the reward is over \$4,000 now and growing. I think we will need that anyone who had been in Oakland and Schenley Park, again it was very late in the evening, had to be at least three or four in the morning. We certainly hope they would come forward. I think this reward will grow. I know everyone supports the initiative and I thank everyone for the quick action they have taken. But we cannot let this tolerate. This was a deliberate act against one

individual group or statue and probably one of our pride and joy; it is the biggest Columbus statue in the country. If you haven't seen it, you should pay attention to it. It's a beautiful piece of artwork, and this just can't be tolerated.

I took my family there. We were there last night at 9:30. I wanted to show my family what was going on. The Public Works did have it fenced off and the expert from Highland Park came over to tell us how to treat it. They were actually hosing it down and spraying it with water to keep it wet. So there are a lot of people involved. I guarantee you, I know from the Denardo family and the spirit of all the people who are involved, this will come back and it will be better than ever. It is a shame we have to live through things like this.

**Mr. Cohen:**

Obviously we all agree that the act that was done a few days ago was a horrible and offensive act. Having received the resolution that Councilman Onorato introduced this morning, what I did I went to my crimes code and looked up ethnic intimidation. I think it's important since we are having this discussion over ethnic intimidation to know what the law says. It says a person commits the offense of ethnic intimidation if with malicious intention towards the race color, religion or national origin of another individual or group he commits an offense under another provision of this article which lists those offenses and those offenses include property destruction, criminal trespass. I don't think anybody would disagree that the underline crime was there property to construction, criminal trespass, vandalism. The

question is whether or not there was ethnic intimidation. In my view there are enough facts there that one could bring a case of ethnic intimidation here. I'm not the DA; I'm not the attorney general. Those are the people who need to look at this, but the fact that it was done on Christopher Columbus statue of course a statue of some one who is revered by the Italian communities it was done on Columbus Day weekend. It was done at the very place where people go after attending church for Columbus Day celebrations. It was not just defaced with globs of paint but rather was desecrated with offensive words. That is something that a court would look at, words against the person who is being honored at that statue. A statue rather than that was funded and built by the Pittsburgh Italian community.

So in my view, I don't know whether ethnic intimidation applies here, that's for a court to determine. That is for a DA and Attorney General to decide whether to bring. But there was more than an act of vandalism there. It was an offense demonstration of disrespect and disrespect to an important community in Pittsburgh.

I have done a little bit of work in this area. I represented a synagogue many years ago that was desecrated and we filed suit under the Civil Rights Act of 1866 and it was brought up all the way to the United States Supreme Court and the Supreme Court decided in a 9-0 decision in our favor. I learned a number of things from that suit, but one of the things is that you have to look at the specific facts of the case and I think there are enough specific facts to at least ask an Attorney General or ask the DA to look at this. I realize it does say-- it tells them to utilize the ethnic

intimidation statue but we all know that we can't direct the DA or the Attorney General to do anything. We can only ask them to do it.

So I will be voting in favor of this resolution. I do think that this was more than just an act of vandalism and I will be contributing to the reward.

**Mr. Ricciardi:**

Thank you, Mr. President. Colleagues, let me take the Liberty of accenting all of your comments. I agree it was definitely a reprehensible act done by a cowardly person or persons. I think we can all agree it was done in the dead of night and it was gutless. I think we can all agree it was definitely was graffiti, it was vandalism, it was destruction of public property. The question does arise to such an extent of ethnic intimidation? I grappled with that yesterday until I read a news account. I am going to paraphrase his comments from our very well respected Vice Consulate, Italian Vice Consulate, Joseph D'Andreo, and again I'm paraphrasing his comments. But he said the celebration to a very small degree or lesser degree is a celebration of a navigator, however the true celebration and the meaning of the day was to celebrate, as he stated, our fathers and grandparents and their fathers who really came to this country and that is the reason I am voting for this resolution today. Because of his comment.

I would like us to move forward obviously with a united front. Because I think individuals of that capacity tried to divide people. It becomes very divisive. I have never really questioned peoples vote; this will be the first time. I would ask

people to abstain if you couldn't vote for the bill. We in no way want to be a divided Council on such an issue of this, but we can't take it out of the vacuum. There was a Sons of Columbus evening, Friday evening dinner, there was a great parade where every where many colleagues took part. There was an Italian heritage society Saturday evening dinner, well publicized. There was a fabulous mass at St. Paul's Cathedral and it was well publicized.

So again, let's go to back our vice consulate's comments that those individuals knew that Pittsburgh in general. But in particular, the Italian American community was coming to that statue. A lot of those comments were not thrown on a navigator. They were thrown on our ancestors. I think we either have to vote for this or respectfully abstain. I will be voting for this today. I want to thank Mr. Dan Onorato for coming forward. I want to thank Mr. Bob O'Connor for being at the site and all of my colleagues who are all pitching in either through the award money or through their positive comments. A special thanks to Ralph Kraszewski and Mike Gable and Jack Bardi who moved on the scene and all those at laborers, and I don't know their names, I apologize for that. I want to thank all of them. Thank you.

**Mr. Hertzberg:**

Thank you. This really was a sad thing to occur on such a great weekend. I really enjoyed myself at the Bella Italia dinner, which was sponsored by the Sons of Columbus on Friday night. The parade was spectacular; it was a great parade. I enjoyed the Italian heritage society, and I think Councilman Ricciardi is a little bit

modest in not acknowledging that we were honored as the government leader at that dinner. It was just a great weekend for all the Italian Americans to honor their heritage. For and this to have happened early in the morning on Sunday, is very sad. I want to extend my own sympathies particularly to the Denardo family who already went through terrible grief with the loss of Lombardo Denardo. They were just dedicating a new fraternal organization to him when this happened.

It is particularly tragic. I want to extend my sympathies to all of the local Italian Americans for this happening. I am in full support of this resolution. I think the ethnic intimidation statutes may apply. I don't think it, we know it may apply. We don't know enough about the individual or individuals responsible for this crime. I think to be certain that it applies, but I think there is enough of a possibility here where it merits an investigation and review to see if in fact it does apply. This to me is in no way any thing close to some kind of act of Civil disobedience some kind of effort to get a political message out which there are several formats to do that in this City. In fact, there would have been no problem if somebody has a problem with Christopher Columbus or anything else that has happened as a result of him discovering this continent. You could have walked and counter protested the parade a lot of legal avenues could have been taken rather than doing this horrible criminal act.

I support the prosecution, whatever can be done, the maximum criminal prosecution, and the ethnic intimidation statute, or anything else available in a prosecutor's tools, as well as the reward fund. I have spoken to Council members

O'Connor and Onorato, whatever support I can do there and as far as restitution and vandalism cases general, I think if it works if the solicitor can devote someone to that task. If we have be laxed on it and we should get on top of it and it maybe worth our wild to have the solicitor get more involved in those cases.

**Ms. McDonald:**

I appreciate -- that was beautiful. Councilman Ricciardi that exactly sums up how I feel. Its not the statue, its not the navigator its the people as a whole that should not in anyway be disrespected. I don't think any people should be disrespectful. But I do and echoing Councilman Hertzberg's comments and following up, the one reason and, by the way, Councilman Onorato, the fifth paragraph you have underlined ethnic intimidation, there is one T missing from there, if you look at it. But the one thing that I have learned into the KKK Rally that came here in the City of Pittsburgh, it was a real eye opener with in talking with attorneys and looking at the law and looking at previous supreme court decisions and cases and what have you and I looked into this for hours and I am amazed at how delicate a balance it is to balance out a person's rights to be respected regardless of their race, decree or color, ethnic origin all that other stuff, versus right of free speech and right to express civil rights, that's why I am abstaining.

I'm not sure about the solicitor, and I do want our solicitor to find out is it ethnic intimidation or not? I respect Councilman Ferlo's decision to say no. Not that he doesn't think that there was ethnic intimidation. I think it is very

peculiar that it happened during Columbus Day celebration. I think it was a slap. It would be no different if someone took the Martin Luther King statue and when a lot of African American's celebrate the holiday, blasted it with paint. I would be very outraged and that is why I support the spirit of it. But at the same time, in dealing with the KKK rally, do you know how much money this City spent for these people to have a right of free speech? I thought that was the epitome of ethnic intimidation. To call me names, to call other people names, right smack dab on City Council steps and you couldn't do anything about that. You couldn't do nothing. I thought that was the epitome of it. I pondered legislation to be able to prohibit these kinds of rallies from coming to the City of Pittsburgh that the good people of the City of Pittsburgh cannot tolerate it. We are not a City of ethnic intimidation or slurs. You know what I found out very, very difficult in all cases across the country you can't do it. You can't do it. I was very disappointed with that.

So again, my abstention in no way reflects how I feel. I am one that is very adverse to hate crimes to slurs. You paint something on my door or anyone else's door, I am very angry. It hurts. Its hurts to see that statue being defaced. But again, I would hope that in echoing Councilman Ricciardi's opinion, my abstention in no way how I feel. I feel just as passionately because it hits home to me too. How you feel is how I feel too. I don't like it, but at the same time, I want to make sure that any legislation that comes before Council is not just an emotional vote but one that is very clearly defined, that is thought out, that we are doing the process is correct. That is all I'm about is making sure that

the process is correct and balancing out what Councilman Ferlo had echoed.

**Mr. Udin:**

Point of order. I would like to try to offer what I think, what I hope is considered to be a friendly amendment, in order to try to make a -- to include the abstentions as supportive votes for this resolution. And that is to strike the word utilize and replace it with determine the appropriateness of, it occurs in two places. Secondly, to strike in the last be it further resolved to strike full-time and just make "a" an "and" so that it reads director to assign an attorney to pursue the restitution in vandalism cases. So moved the amendment.

**Mr. Onorato:**

Let me first comment. On the first suggestion, I really don't think it is necessary because we are missing a word here. If you look at the first now therefore be it resolved, before you even get to the word utilize I make it very clear that I am asking the City -- the Council is hereby requesting, we are requesting the Attorney General, we are requesting the DA to, and I appreciate your help here, Councilman Udin. We are requesting them to utilize it. That means they can say no to a request. They can say yes to a request. We are only requesting. However, let me remind my colleagues this is a non-binding resolution as the rest of them are today that we already passed. We are requesting action and as some of my colleagues have already stated, the issue here isn't should we be utilizing the ethnic intimidation statute or requesting that we utilize it. Meaning they have to make a determination when they bring charges, meaning the prosecutor. If

there is enough evidence to use this. I think that is their function.

**The Chair:**

That's the difference between you-

**Mr. Onorato:**

But we are requesting them to utilize this.

**The Chair:**

Right. As opposed to request that they review the applicability of ethnic intimidation.

**Mr. Onorato:**

I don't know why -- I don't see a difference. A request is a request. It can be denied. It can be accepted.

**The Chair:**

You don't consider Mr. Udin's amendment

**Mr. Onorato:**

I don't think it is relevant at this point because I have the word request in there. Now the second issue he brought up, issue under the attorney. This attorney issue I brought up, I think is being misinterpreted, and I will address Councilwoman McDonald's concerns.

This has absolutely no budgetary impact. These are the attorneys we currently have on staff. We are currently talking about a playground that is costing us \$30,000 to renovate on the North Side.

We have \$2 million invested in playgrounds over the last 15 months that is subject to this type of vandalism. If we can assign one of our attorney's full-time to go after restitution, which means we are going to get money back from the actors that are causing this, it's going to pay for itself in the long run. I'm not asking to hire new attorneys, I not asking to go outside for that new attorney, I am asking the solicitor to make this now a priority just like we have tax attorneys downstairs, we have real-estate attorneys downstairs, we have so on and so on attorneys. We should have a department now for restitution on any of these types of acts. If we are going to be serious about restitution, especially if it is a juvenile going after parents, you need to protect the City's interest, and you need an attorney to be there full time to do it. There is so much money at stake here for us to collect it will be for itself over and over again.

**The Chair:**

There is no second to the amendment.

**MR. RICCIARDI** seconded for discussion.

**The Chair:**

The amendments both parts of the amendment were amended and seconded. Now, Mr. Ricciardi, let's just discuss the amendment.

**Mr. Ricciardi:**

I am going to do this very quick. Just for the public, let me first state I want to again thank Mr. Onorato his intentions were very genuine and there was a friendly

amendment offered to sponsor basically, I rejected it. I have never done this before, but I think its important for this Council to really pull together on a 9-0 vote. I think we can do this, Mr. Onorato, with all do respect I realize its your resolution. I think we really should support this amendment. Because as you stated, Mr. Onorato, we are just playing with semantics here. So I am saying why don't we switch the wording, I think its going to mean the same thing, but I think we have a possibility of getting the 9-0 vote. So on that I have seconded it, Mr. Udin if you could just repeat the change of wording one more time, not on the attorney, I am not seconding that, just on the appropriateness.

**Mr. Udin:**

It would strike the words utilize in the two places where they occur and replace them with determine the appropriateness of.

**The Chair:**

I call it, in defense of Councilman Onorato we are not arguing semantics here. We are arguing a principle issue here. I just happen to disagree. I do not believe what action was taken rises to ethnic intimidation and Councilman Onorato's resolution is saying that we as legislative body believe that this destruction of the public property is not only graffiti vandalism, which I agree, is not only despicable, is not only destruction of important park and historical monument but it also involves ethnic intimidation. I cannot and I do not agree with that.

**Mr. Ricciardi:**



I withdraw my second.

**The Chair:**

I contributed to the award. I was there yesterday and I gave -- Council gave \$7,000 in 1992 when the statue was being done. I asked contractors to help. I am an Italian American, I will give all the other credentials, but I do not agree that this rises to ethnic intimidation and that is not what it is.

**Mr. Ricciardi:**

I would like to withdrawal my second, I was just trying to--

**Mr. Udin:**

I withdraw amendment. Just call the question.

**The Chair:**

Other discussion?

**Ms. McDonald:**

I can live with that. I haven't really argued about that particular one but I appreciate and respect Councilman Ferlo's opinion because legally I really think he has a point. But I will go along with this. My main concern is I said before is the last sentence. You said assign a full-time attorney. I do not want to take an attorney off an assignment up in our solicitor's or down in our Solicitor's office for this. It could pull them off of some other assignment that maybe very important and pertinent and I just would rather have -- I will go along with this, Councilman Onorato, if you would just take out full-time.

I would appreciate if the solicitor's office assigns legal assistance to pursuing restitution for vandalism and it is directly in response to the Columbus statue. This kind of brought it to a head, but we have had other incidences where there have been -- has been a vandalism and possible ethnic intimidation involved in it. Regardless, if we are going to do it, there's a process that we have to do this by and assigning a full-time attorney either infers outside Council or taking existing attorney in our solicitor's office off an assignment. Full-time is my concern. If you would just take that out and say legal assistance or attorney or solicitor's office to pursue this, I am fine with it.

My concern is budgetary concern. It is about money.

**Mr. Onorato:**

First of all I want to thank my colleagues for some of the comments because I think they expressed a lot of the concern that I have. I am glad Mr. Cohen read the actual statute. I have it here. I think at least the way it reads, it at least allows the reasonable person to question can it be used or not. That will be determined further down the road.

I do have to respectfully disagree with Councilman Ferlo. I do not think that this triples the actual code and actual act. I think it actually enhances it. Because what we are saying here is the act does apply to all groups and to all ethnic backgrounds, all races, whatever it might be, it applies if it can be proven that there was malicious intention, and that is for the court to determine. That is something the prosecutors have to try to do. In the end,

the final decision comes down it might be that it does not apply. We are not in the actors head, we don't even know actor is or the actors.

I am saying that I can guess and say it was ethnic intimidation, Councilman Ferlo could say that it wasn't, we just don't know, so let's let the prosecutors look at everything and use every tool. I just want to point out because I do respect Councilwoman McDonald's comments here and I do understand where she is coming from. Let me point out when you use the symbols that we have all known through history here as being the grossest form of ethnic intimidation, a burning cross or a slap stick, I don't think anyone would deny, what that represents, but when you come to other ethnic groups, you don't have certain symbols that wing like they do. When you tell the community, this is our weekend in America, and that statue represents as you say Councilwoman McDonald, more than Christopher Columbus. It represents a weekend for Italian American's to celebrate just like everyone other ethnic group celebrates in this country. When my grandparents came over, here in the early 1920's of this century, this actually has a connection here, my grandfather with a lot of other laborers was working for the masonry company that put the foundation of this statue. He helped with the chiseling and the labor work putting it in. Isn't it ironic, here we are over 40 some years later, I am sitting here trying to defend not a statue but a principle? A principle of immigrants that came through here and every immigrant group that came through Ellis Island or from whatever other door this county had opened up were very seldom were greeted with open arms by the government or by the

establishments.

But somehow they over came it and there are some groups that have a long way to go right now and this act is in here to do that. To anyone here to think that any one group is beyond this type of intimidation or this ethnic slurs please don't kid yourself. It exists out there for all of us. If it happens in the Italian Americans, it can happen to the Irishmen Americans, it can happen to the African Americans, it can happen to the German Americans, it can happen to any one of us. So as we stick together as a group the let the prosecutors review the law that is on the books. That's why it was passed. I am sure when you look at the legislative history, the votes in Harrisburg, you probably had a lot of votes coming from all different ethnic groups thinking that this was protecting their particular groups. As a whole, we should stick together.

All this resolution is asking once again, it is non-binding is requesting to utilize the act, it could be denied or it could be utilized depending on what they find. The full-time attorney issue is requesting the solicitor to assign one of her attorney's down there, which we are currently doing for the property on the North Side. Let me point out, about a year ago four statues in Brighton Heights were attacked. They were war memorials. We caught the individual. They were found guilty. It was a juvenile and as of today we collected zero not because the courts denied us, because I don't think because I don't think we protected our interests properly in court, because it wasn't a priority of this City. That was a \$20,000 bill we paid out. We are paying \$30,000 to renovate a playground and who knows what this is going to cost. This solicitor

will bring back the money over and over and over again for their salary that we currently pay. So, I would respectfully ask everyone to give it a second thought and give it a yes vote because I think it is the right thing to do.

**Ms. McDonald:**

If you are going to keep full-time in there then I have to abstain. I was hoping you could get eight-0. If we could just eliminated full-time you have my vote — you go from an abstention to a yes.

**The Chair:**

Role call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin

**AYES Six      NOES One**

**(Ms. McDonald abstained and Mr. Ferlo was opposed)**

The bill having received the legally required number of votes is approved finally.

#### **REPORTS OF COMMITTEES**

Any other matter under reports of special committees or unfinished business? Moving to reports of Committees.

**MR. UDIN PRESENTED:**

**Bill No. 2460:**

Report of the Committee on Finance and Budget for October 8, 1997 transmitting sundry resolutions to Council.  
Which was read, received and filed.

Also, with an affirmative recommendation.

**Bill No. 2379:**

Resolution providing for the issuance of a warrant in favor of Parr Emergency Product Sales, Inc. in the amount of One Thousand Three Hundred Eighty Eight Dollars and Fifty Three Cents (\$1,388.53) for the purchase of medical supplies. These medical supplies were necessary to meet the criteria for tri-annual licensure by the Pennsylvania Department of health as an Advanced Life Support provider, and for the provision of care to patients by the Bureau of Emergency Medical Services.

Which was read.

Also,

**Bill No. 2390:**

Resolution authorizing the transfer of five thousand dollars (\$5,000) from Implement Competitive Pittsburgh, Code Account 22, Fund 1000, Organization 999200, Sub Class 150, BY 1997, Account 526100, to Economic Development Marketing, Code Account 156, Index Code 015602, Fund 1000, Organization 999200, Sub Class 300, BY 1997, Account 566100. This transfer is related to the payment for the Bridge Lighting Ceremony that took place on August 9 and 10, 1997.

Which was read.

Also,

Bill No. 2412:

Resolution providing for a Contract or Use of existing contracts, and/or an Agreement, or use of existing Agreements to hire two independent consultants for the purpose of providing a legislative analysis of the newly proposed zoning code, at a cost not to exceed \$5,000.00 per consultant, aggregate amount totaling \$10,000.00. (SPONSORED BY MR. COHEN, MR. FERLO AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 2424:

Resolution providing for a warrant in favor of Lexis-Nexis in the amount of \$1,444.67 in payment for computer user research services for the month of July 1997, chargeable to and payable from Account No. 525500, Index Code 100305, Fund 1000, Organization 101200, Budget Year 1997. (SPONSORED BY MR. FERLO).

**The Chair:**

You have heard the reading and title of the bills, any discussions? Role call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen

Mr. Hertzberg

Ms. McDonald  
Mr. Ricciardi

Mr. O'Connor  
Mr. Udin  
Mr. Ferlo  
(Pres't)

**AYES Seven NOES None**

All of the bills having received the legally required number of votes have been approved finally.

**The Chair:**

There is one bill I raise objection to on moratorium. I felt it required a legal public hearing, the law department has agreed. You can read the bills and then recommit it.

**MR. ONORATO PRESENTED:**

Bill No. 2461:

Report of the Committee on Planning, Zoning, and Land Use for October 8, 1997, transmitting an ordinance to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2388:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by revising Section 905.03(b), "Applications not accepted during consideration of zoning change," to avoid a moratorium on all development in the City during the consideration of a bill introduced before City Council to amend this ordinance in its entirety. (ALL COUNCIL DISTRICTS). This ordinance is transmitted as a result of

favorable Planning Commission action on September 23, 1997.

Which was read.

**The Chair:**

I would ask for a motion to recommit this bill so we can expedite a public hearing.

**MR. HERTZBERG** moved to recommit the bill.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**MS. MCDONALD PRESENTED:**

Bill No. 2462:

Report of the Committee on Housing Economic Development and Promotion October 8, 1997 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2381:

Resolution amending Resolution No. 500 effective August 11, 1997, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program" "so as to transfer a line item in the Department of Engineering & Construction (Spring Hill Firehouse

Renovations) to the Department of General Services

Which was read.

Also,

Bill No. 2382:

Resolution amending Resolution 501 of 1997 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1994 Community Development Block Grant Program" transferring a project from the Department of Engineering and Construction (Spring Hill Fire House) to General Services.

Which was read.

Also,

Bill No. 2383:

Resolution amending Resolution No. 502 effective August 11, 1997, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1995 Community Development Block Grant Program" so as to decrease a line item in Council (Western PA Conservancy \$5,000.00) and reprogram these monies to the Department of Engineering and Construction (Sullivan Field Concession Stand) and transfer a project (Spring Hill Fire House) from the Department of Engineering and Construction to the Department of General Services.

Which was read.

Also,

Bill No. 2384:

Resolution amending Resolution No. 491, effective August 11, 1997, entitled "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, chargeable to and payable from the 1995 Community Development Block Grant Program" so as to delete Western PA Conservancy - Polish Hill (\$5,000.00) and transfer these funds to Department of Engineering & Construction (Sullivan Field - Concession Stand).

Which was read.

Also,

Bill No. 2385:

Resolution amending Resolution No. 294 effective June 6, 1997 entitled: Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,171,050.00, chargeable to and payable from the 1997 Community Development Block Grant Program, Mayor's Office; so as to delete B.I.G. League Youth Sports

(\$75,000.00) and Senior Center Equipment (\$100,000.00) from the Mayor's Office.

Which was read.

Also,

Bill No. 2386:

Resolution providing for an Agreement with various community organizations for operation/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,121,050.00, chargeable to and payable from the 1997 CDBG Program, so as to delete project (Arsenal Field and West Penn Field (\$15,700.00) and reduce the amount appropriated to \$1,105,350.00 (-\$15,700.00).

Which was read.

Also,

Bill No. 2387:

Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Central Relocation Agency" at a cost not to exceed \$350,000, chargeable to and payable from the 1997 CDBG Program "Central Relocation Agency," Account #500000, Fund #2610, Organization #810000, Subclass C-1997, Project #2215888, Budget Year 1997.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, if you are in favor of the bills, please vote aye when your names are called, if opposed, please vote no. Clerk please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin.	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

All the bills having received the legally number of votes have been approved finally.

**MR. COHEN PRESENTED:**

Bill No. 2463:

Report of the Committee on Public Safety Services for October 8, 1997 transmitting a resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2380:

Resolution providing for an Agreement or Agreements for the purchase of Pharmaceutical Services, Supplies and Medications necessary for the operations of the Bureau of Emergency Medical Services for a period of three years (1997,

1998 and 1999). The Total amount shall not exceed Fifteen Thousand Dollars (\$15,000.00) annually and providing for the payment of the cost thereof.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, the bills are now ready for final action. All in favor of passing the bill, vote aye when your names are called, if opposed, vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

The bills having received the legally required number of votes has been approved finally.

**The Chair:**

That concludes our Reports on Committees.

I do want to remind colleagues, we have a public hearing this evening at 6:30 Green Way Middle Schooling regarding the zoning code re-write, and we have a post agenda. I know there is a large number of people in Council Chambers today from neighborhoods throughout the

City. We welcome you. But despite the large crowd, we actually be a brief succinct and directed and focused post agenda meeting so I would ask for colleagues to try to stay tuned and stay in participation for the next 20 minutes or so.

### **MOTIONS AND RESOLUTIONS**

**The Chair:**

Under motions and resolutions.

**Mr. Udin:**

As you know, we have discussed briefly on Council the intention of the administration to implement a return to work program as part of the workers compensation package.

and airing of all perspectives concerning that very important project.

**MR. HERTZBERG** seconded the motion.

**The Chair:**

Councilman Udin, you help schedule and establish a post agenda.

Any other matter under motions and resolutions to be brought before the body. Thank you.

This Legislative Session stands adjourned.

**MR. UDIN** moved for a televised post Agenda so as to have adequate discussion



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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO .....Deputy City Clerk

Pittsburgh, PA  
Tuesday, October 21, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning to all of our guests that are here today. At this time I would ask that you please rise for the pledge of allegiance and please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are pleased that we have a fourth grade student here this morning, Jacob Pawlak. Jacob is nine years old. He is accompanied by his mom, Marion Bradley and I understand his grandparents

are also out in the audience, Bee and Marty Connelly. They are from Councilman Ricciardi's district. We are very pleased that Jacob is going to lead in the Pledge of Allegiance. He goes to Bishop Leonard School. He's in the fourth grade.

#### Jacob Pawlak:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with Liberty and Justice for all.

#### The Chair:

Thank you. Thank you, Jacob. We want to thank your family entourage for coming down here today also.

Our City Clerk has presented you with a flag of our country with our thanks.

We have a lot of guests in the audience this morning and a number of individuals who rightfully should be honored for their activities in the City and in the communities.

#### PRESENTATIONS

#### Mr. Cohen:

Good morning everyone and members of Council and members of the audience. Would Miriam and Katara come up here please to celebrate yet another Project Bundle Up? Probably

appropriate on this cold morning where we had to bundle up on this morning.

Everyone on Council certainly knows about Project Bundle Up and what a wonderful job they do every year. For me it seems as the kick off of the cold season and even the Christmas season coming up soon, which is hard to believe. But it is happening and Councilman O'Connor has been very involved in Project Bundle Up where they help many, many needy children throughout the Pittsburgh area by providing them with clothing so with that I would like to read this proclamation.

**MR. COHEN AND MR. O'CONNOR  
PRESENT:**

No. 2464 WHEREAS, Project Bundle-Up is a joint community service effort of the Salvation Army, WTAE-TV and WTAE Radio that has provided warm winter coats and outerwear to more than 68,400 children and senior citizens throughout Western Pennsylvania since 1986; and

WHEREAS, each fall season, Project Bundle-Up sponsors Personal Shopping Day, a day when volunteers take children between the ages of 6 and 12 to various stores to shop for hats, coats, scarves and mittens and provide these children with breakfast, entertainment and a goodie bag; and

WHEREAS, on Saturday, October 25, 1997 at 7:15 a.m., Project Bundle-Up will pair more than 1,000 volunteers with needy children to participate in this fall's Personal Shopping Day at various retail stores throughout the City of Pittsburgh,

Allegheny County and Western Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the volunteers of Project Bundle-Up for their important contribution and congratulates them on their lasting success in providing much needed comfort and warmth throughout the winter to children and senior citizens of the City of Pittsburgh and surrounding area; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 25, 1997 to be Project Bundle-Up Day in the City of Pittsburgh.

**MR. ONORATO** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

I would like to call up Miriam May and Katara Best to talk about Project Bundle Up. You do a terrific job. You really do and help thousands and thousands of children. On behalf of City Council and Councilman O'Connor, I would like to thank you for that. Then Bob we will have you come up and say a few words. Miriam, please come up and accept this proclamation.

**Ms. May:**

It is certainly colder weather now. It has been warm the last couple of weeks, but we really appreciate Council's support

of our efforts. We shop with these children primarily in Pittsburgh and Allegheny County. A lot of the Council members have participated on shopping day and will be doing it again. It is an effort that really shows not the warmth of only a winter coat but the warmth of the hearts of the citizens of this region. Thank you again.

**Mr. O'Connor:**

I guess this really -- the shopping spree ends your whole year of work and raising money from the telethons and all the things you do. But it is probably one of the most rewarding and satisfying things you ever seen when you see young kids go out and really get new clothes. We run through K-mart. It is one of the most rewarding things I have been involved with just to watch the kids' reactions and all the things they get. They really fill up their shopping carts with gloves, scarves and coats. It really is a warm feeling.

I think if you can come out and help, I know most of Council shows up, Dan, I know you will be there, bring your kids out and have a good time. Thanks for all you do.

**Mr. Cohen:**

Would Larry Farley and Harry Guild please come up?

Folks there are many many great Americans who have had connections to the Pittsburgh area. But I think it would be difficult to find any person who has served this country in a greater capacity than General Matthew Ridgway. We are very proud that he has connections to since 1955 the Pittsburgh area. He's lived here

since 1955 and until his passing in 1993. There is a very very special symposium and auction happening this weekend to celebrate the life of General Matthew Ridgway. We have with us today Larry Farley who owns Dargate Galleries with his wife, Carol, and Harry Guild who has really helped to put this symposium and auction together where they are auctioning off the estate of General Matthew Ridgway on Friday evening. There is going to be a symposium about General Ridgway's life and on Saturday there will be an auction. This is a very special event because of the tremendous accomplishments that General Ridgway has made, not only to this region not only to the United States and frankly through out the world. With that this resolution goes as follow as.

**MR. COHEN & MS. MCDONALD  
PRESENT:**

No. 2465 WHEREAS, General Matthew Bunker Ridgway served the United States as a decorated soldier, military Commander and advisor to Presidents during the most turbulent era of the 20<sup>th</sup> century; and

WHEREAS, General Ridgway led the 82<sup>nd</sup> Airborne during World War II and planned and executed the first large scale Airborne attack in American military history; and

WHEREAS, President Harry Truman chose General Ridgway to Replace General Douglas MacArthur as Allied Commander in Chief of the UN Command in Japan during the height of the Korean War; and

WHEREAS, thirteen months later, General Ridgway was appointed Allied Supreme Commander in Europe succeeding General Dwight D. Eisenhower; and

WHEREAS, in August 1953 he was appointed Chief of Staff of the U.S. Army and retired to the Pittsburgh area in September, 1955 where he lived until his death in 1995;

WHEREAS, Dargate Auction Galleries of Pittsburgh, the largest full service auction company in the region, will be holding a Symposium on General Matthew B. Ridgway on Friday, October 24, 1997 followed by an auction of the Estate of General and Mrs. Matthew B. Ridgway on Saturday, October 25, 1997;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby remember the career of General Matthew B. Ridgway and the lasting impact he made to American military and world history and commends Dargate Auction Galleries for putting together this memorable weekend celebrating the Pittsburgh region's own General Ridgway.

THE CHAIR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. This is a special event and also special for me because my father served in the 82nd

Airborne and served under, way under General Matthew Ridgway. He has certainly heard a lot of stories through the years about what a great man General Ridgway and what a great Core the 82nd Airborne was. I would like to present this to you. Larry, come up here and accept this please on behalf of City Council.

Mr. Farley:

You know the amazing thing about General Ridgway is that he was born in 1895 and here it is 1997 and he is still having a very favorable impact on the world. The proceeds from the auction would be used for the Ridgway Family Foundation, which in turn supports the University of Pittsburgh's research center for security studies. It will support Bucknel University and the Carlow Barracks Museum in Carlow Pennsylvania. It will also support the museum of the 82nd Airborne in Fort Bragg, North Carolina. It is our world today, certainly if not for General Ridgway and others of his time, would be quite different. Thank you.

Ms. McDonald:

I also want to commend this initiative. Knowing that the proceeds will be going towards worthy causes that will perpetuate the memories of all of our military men and women who have served our country so well for many many years and is coming from a family of many veterans including my dad who many don't no, he was a purple heart recipient and he was part of the very first entity that is now known as the Navy Seals.

So it is with pride that any time I stand up here with others to commemorate

those who have served our country in any of the military forces, again, I am very proud to be able to do this. Thank you very much.

**The Chair:**

We also want to thank you that Dargate for your move back into the neighborhood, even though you moved from one location, we want to thank you for your investment in the community and staying in the City. Thank you.

**MR. COHEN PRESENTS:**

No. 2466 WHEREAS, Pittsburgh has been recognized as one of the safest major cities in the United States; and

WHEREAS, the low crime rates in Pittsburgh are the result of the close working relationship between the Pittsburgh Police and the residents of the City of Pittsburgh; and

WHEREAS, many Pittsburgh residents selflessly volunteer their time to support the Police's Crime Prevention and Community Police efforts; and

WHEREAS, the Pittsburgh Police will recognize 130 volunteers tonight at the Greek Church on the North Side who have donated countless hours of their time in all six of the City's Police zones.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the efforts of the citizens who volunteer their time to support the operations of the Pittsburgh Police Bureau.

AND, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare October 21, 1997 to be "Pittsburgh Police Bureau Volunteer Day" in the City of Pittsburgh.

Also,

No. 2467 WHEREAS, the safety and well being of all Pittsburghers is the greatest concern of City Council; and

WHEREAS, initiatives such as audible signals, increased signage and police presence have made Pittsburgh streets such as the Craig Street corridor a safer place for blind pedestrians; and

WHEREAS, the Pennsylvania White Cane Law was enacted in 1959 to protect blind pedestrians; and

WHEREAS, the Pennsylvania White Cane Law mandates that the driver of every vehicle approaching an intersection, in which a blind or partially blind pedestrian is walking, shall take every precaution necessary to avoid injuring or endangering such pedestrian; and

WHEREAS, violation of the Pennsylvania White Cane Law is punishable by fine;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend the Golden Triangle Council of the blind and recognizes their effort in promoting White Cane Day in the City of Pittsburgh.

**MR. COHEN AND MS. MCDONALD PRESENT:**

No. 2468 WHEREAS, the Eastside Alliance is a cooperative effort among the Eastside neighborhoods of Bloomfield, Friendship, Garfield, Lawrenceville and Polish Hill; and

WHEREAS, these neighborhoods are working together to maintain and improve their communities as vibrant places for young and old to live and work; and

WHEREAS, the Eastside Alliance is a coalition of the following eleven community organizations: Bloomfield Blockwatch, Inc., Bloomfield Garfield Corporation, Friendship Development Corporation, Friendship Preservation Group, Garfield Jubilee Association, Lawrenceville Development Corporation, Lawrenceville Bloomfield Meals on Wheels, Polish Hill Project Committee, St. Francis Medical Center, the Western Pennsylvania Hospital, and the Bloomfield Sports Hall of Fame Special Presentation; and

WHEREAS, the Eastside Alliance was created because each of these great neighborhoods can be even stronger if they all work together.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and thanks the Eastsider of the Year for service above and beyond the call of duty; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends and thanks all of the Eastside Alliance Volunteers of the Year: Jeanne Kintner of the Bloomfield Block Watch Inc.; Paul Buriak of the Bloomfield-Garfield Corporation; Arnie Horovitz of the Friendship Development Corporation;

Dan Pavord of the Friendship Preservation Group; Stephanie Akers of the Garfield Jubilee Association; Beth C. Weber of the Lawrenceville Development Corporation; Angie and Fred Buccigrossi of the Lawrenceville Bloomfield Meals on Wheels; Yoko Tai of the Polish Hill Project Committee; Walter Scherb of the St. Francis Medical Center; The Western Pennsylvania Hospital Cot Club of the Western Pennsylvania Hospital; and Frank Peluso of the Bloomfield Sports Hall of Fame Special Presentation.

**THE CHAIR** moved to adopt the resolutions.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Would the three individuals with local Pittsburgh Pose Office please step forward? Today is postal employee recognition day and that's what this resolution is about.

Before I introduce the individuals that are here, I just wanted to remind everybody that although the U S Postal Service appears to be part of the Federal Government, it is not supported by any tax dollars at all. It sustains itself completely through the revenues that it receives out of its own operations. They are very active, most of the postal employees are very active in the local community organizations. I know numerous postal employees that are involved in the community councils and other organizations, they are regular volunteers for a variety of other activities.

We have with us today Ron Lincoln, who is the Officer in Charge of the City Postal operations, Jane Raincamp, who is the manager of Consumer here in Pittsburgh, and Tad Kelly who is the Communications Specialist. Let me read the resolution.

**MR. HERTZBERG AND MR. ONORATO PRESENT:**

No. 2469 WHEREAS, Pittsburgh District Letter Carriers take great pride in the collection and delivery of the mail. Letter Carriers are active in community projects such as "carrier alert" where they keep a watchful eye on the senior citizens and disabled. "Carriers Caring for Children" is a program designed to make children aware that the letter carrier is a friend who can help in an emergency situation; and

WHEREAS, Mail Handlers are the unseen backbone of the Post Office. They work in factory-like mail processing centers, unloading trucks, running machines that sort the sacks, canceling stamps on letters and moving mail to its proper stations. Last year, Mail Handlers moved 171 billion pieces of mail nationally and helped keep U.S. Postal Service the most efficient and least expensive mail system in the world; and

WHEREAS, Rural Carriers deliver and collect all classes of mail in rural communities. They are often referred to as a post office on wheels, selling stamps, money orders and providing other postal services to the patrons on their routes; and

WHEREAS, Clerks process all the mail entering and leaving the Post Office and provide administrative support. Post

Office clerks are often complimented for their friendliness and eagerness to provide prompt, knowledgeable and courteous service; and

WHEREAS, Postal Maintenance Personnel maintain all structures and processing equipment and provide a clean and safe environment for employees and customers alike; and

WHEREAS, Motor Vehicle Operators, Mechanics and Transportation Employees "keep the fleet on its feet" and transport the mail between postal facilities at all times of the day and night; and, Whereas, Postal Supervisors monitor the processing and delivery of mail to ensure quality service to Pittsburgh residents and surrounding counties. Administrative Office Supervisors provide a network of free services to the public and business community; and

WHEREAS, the Postal Police enforce postal service rules and regulations on postal property, and enforce laws enacted for the protection of persons and property. Postal Police respond to robberies and burglaries at post offices, various medical emergencies and provide convoy and escort service for high-value shipments; and

WHEREAS, Postmasters are responsible for keeping customers and employees informed about postal issues and products. In many cases, Postmasters are the one and only connection customers have with federal government postmasters.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh gives recognition to employees of the U.S. Postal Service for

their dedication to providing the highest quality of service to the residents of the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Thank you very much. If I could ask Ron Lincoln, the Officer in Charge of City mail, to say a few words and then Mr. Onorato.

**Mr. Lincoln:**

Thank you. Thank the City Council for this honor. We certainly appreciate it, but it is an honor for me to up here to represent approximately 9,000 people in the Pittsburgh district. It certainly is an honor that we are recognized, but what is more of an honor besides the Councilmen recognizing the work of the postal employees, is that this was perpetuated and brought forth by a postal customer. If there is anything that pleases the Post Office, is that our customers recognize what we do each and every day and what 9000 dedicated employees in this district. We do an outstanding job and we can strive to continually do better. We thank you very much.

**Mr. Onorato:**

Real quickly, I want to add that a lot of times the postal worker and the postal services are the brunt of jokes but recently with the UPS strike, it really

showed the country how important the service is. There was no one that could step up and fill that gap and you get your services, get hidden with all the other activity that is out there. But the strike really exposed how efficient, how good the workers are. This is the first time I can recall I heard praise for the Postal Service for what you do. I think we take it for granted, a lot of people take it for granted how good you really are. If people only knew what other countries do for mail they would be applauding you every day. I just want to thank you and all the workers.

**MS. MCDONALD PRESENTS:**

No. 2470      Whereas, "Opening the Door to Home Ownership" is the theme of the Neighborhood Housing Services, Inc.; and

Whereas, Neighborhood Housing Services, Inc. of Pittsburgh originated in 1968. It is the first NHS in the country. It is a non-profit organization that provides numerous home buying programs and educational opportunities; and

Whereas, there is a board of directors of 21 people mixed with community people, lenders, business and government entities. The Chairman of the Board is Howard B. Slaughter, Jr. and Brenda A. Lockey is the executive director; and

Now, therefore, be it resolved, that the Council in the City of Pittsburgh recognizes and commends the Neighborhood Housing Services, Inc. of Pittsburgh for their commitment to educate and counsel potential home owners on the process of homeownership.



**THE CHAIR** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**MR. O'CONNOR PRESENTS:**

No. 2471 Whereas, on November 2, 1917, in the City of Pittsburgh, Michael Kostik and Mary Kachuta Kostik were blessed with the birth of their son, John Kostik; and,

Whereas, John Kostik became woven into the fabric of Pittsburgh's life and times, where he was steeped in the best traditions that mark the people of this city; hard working, hard playing and quick to laughter, fair, honest, faithful, willing to face up to any challenge and, loyal to family, friends and country - always willing to serve for the common good; and,

Whereas, John Kostik did one day meet and soon fell in love with Mary Savchak Kostik, who finding John to be a true and gentle man, did marry him some fifty-seven years ago and their love for each other has remained strong and constant; and,

Whereas, John and Mary did have two children, a daughter Marilyn "Tangee" Liggett and a son, Dennis Kostik, who have brought John and Mary great joy and pride; and,

Whereas, John Kostik has worked at Jones & Laughlin Steel Company for 44 years in the Hot Strip Rolling Mill where he attained the position of foreman and was a member in good standing of the

United Steel Workers of America and, prior to working at the Mill, John caddied at the Schenley Park Golf Course where he learned to love the game of golf, which he continues to play to this day.

Now, therefore be it resolved, that the Council of the City of Pittsburgh does hereby convey its best regards and congratulations to John Kostik on the occasion of his 80<sup>th</sup> Birthday on November 2, 1997, and, recognizes John for being a warm, loving and caring husband and father—he stands as an example of what it means to be a Pittsburgher; and,

Be it further resolved, that the Council of the City of Pittsburgh, in recognition of John Kostik's 80<sup>th</sup> Birthday, does hereby declare November 2, 1997 to be JOHN KOSTIK DAY in the City of Pittsburgh.

**MR. O'CONNOR** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

Would the Fazden family come forward? Every one with them today, please come forward. We have Evelyn Nizer the School Board Director from West End and North Side, my School Board Director. I am going to let Bob introduce all the family members or at least the ones that I miss.

Bob Fazden for some of you who might not know is Chief of Police for the school district. We welcome everyone in chambers. This is a unique proclamation

and one that could easily been over looked. But when you hear it, you will see why we have the individual down here today and which is Bob's son. The proclamation will explain it. This is an act of heroism that sometimes you may not have heard of. I don't remember hearing about this when it happened and it was very recent.

**MR. ONORATO AND ALL COUNCIL MEMBERS PRESENT:**

No. 2472 WHEREAS, on the morning of September 22, 1997 at approximately 1:45 a.m. an electrical fire destroyed the Fazden residence at 220 Oriole Drive; and

WHEREAS, the devastating fire, electrical in nature, totally destroyed the contents of the entire house, killing the family pet cat, and nearly taking the life of Bob and Cynthia Fazden; and

WHEREAS, due to the quick thinking and heroic actions of Bob and Cynthia's 20 year old son, Jonathan, this potential tragedy was averted and their lives were saved; and

WHEREAS, Jonathan, upon noticing smoke and flames penetrating the game room ceiling, climbed the stairs to investigate but had the presence of mind to bring his portable phone with him; and

WHEREAS, at the top of the steps Jonathan found the first floor engulfed in flames, smoke and hot gasses. Jonathan began to scream to try to awaken his parents, dialing 911 as he yelled; and

WHEREAS, Bob and Cynthia Fazden were in the early stages of smoke

inhalation and did not hear Jonathan's cries. Jonathan continued to expose himself to great personal risk, trying to awaken his parents. Eventually, Bob did hear Jonathan's voice and closed the bedroom door and helped his wife out of a window, onto a first floor roof; and

WHEREAS, Bob Fazden then jumped off the roof and ran to try and locate his son. As Bob was trying to kick in the door he saw Jonathan, running out of the house. Jonathan had remained inside his burning home as long as he possibly could, attempting to save his parents.

WHEREAS, Jonathan Fazden is an untrained civilian, yet he performed courageously and intelligently in a crisis situation, saving the lives of his mother and father, while risking his own life.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Jonathan Fazden for his tremendous courage in the face of danger and for being willing to risk his own safety to save the lives of his parents.

**MR. RICCIARDI** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

I want to thank you. I know you didn't want something like this, but we want to thank you and show our appreciation for your acts of courage. Do you want to say a few words?

**Mr. Fazden:**

I would like to thank City Council. This means a lot to me. Thank you very much.

**The Chair:**

Bob, you want to say a few words?

**Mr. Fazden, Sr.:**

My wife and I are very happy to be here today. You're always proud of your children when they say children are able to pay their children back. Well, this one did.

This is my wife Cynthia, that is my daughter-in-law Jennifer, my sister-in-law Margi Bein, Evelyn Nizer who is more family than boss and my mother and John's grandmother Theresa. Also present is my other son who I am very very proud of also. He is an undercover police officer who can't be photographed, but that is him in the blonde hair sitting in the back there. I am very proud of both of my sons.

**Mr. Udin:**

Thank you yes, sir. I would like to invite Director Lowe and Mr. Allison and any other guests you may have brought with you.

When Stanley puts together a coalition he puts together a coalition. I thank everyone for coming. I don't know how many of you have had the opportunity to be educated on the environmental threat that lead based paint represents to children who live in the inner City, often who live in very old houses who attend schools that are old and have been painted and have

residues of lead based paint and the environmental threat it represents to them, but when I look at some of the difficulties of children in my district, the educational difficulties, some of the behavioral difficulties that we see and then you look at the symptoms of the effects of lead based paint, you see amazing similarities.

I am really glad to have the housing authorities leading the coalition of people who will organize a program to prevent but also hopefully to intervene and assist to what extent lead based paint is a threat right now. We do need to prevent future occurrences. I am afraid that there are an unfortunate number of children who are currently being exposed, who need to be put in safe conditions. It is a very wide spread problem and have difficult problem to attack, but I can't think of anybody who can attack it more effectively and better than Stanley Lowe.

It's a pleasure to be able to present this resolution today recognizing this week long focus on lead based paints prevention.

**MR. UDIN PRESENTS:**

No. 2473 WHEREAS, Housing Authority of the City of Pittsburgh, has created a coalition, entitled Lead-Safe Pittsburgh, that will combine citywide resources to assist in combating the number one childhood environmental hazard, lead poisoning and;

WHEREAS, Lead-Safe Pittsburgh is committed to the creation of resources, programs, and policies to prevent childhood lead poisoning in the City of Pittsburgh and it's surrounding communities. The Housing Authority of

Pittsburgh will work in collaboration with families, community-based organizations, educators, governmental agencies, insurers, property owners, and health care providers to contract real, attainable and cost-effective solutions to the lead problem at the community level and;

WHEREAS, Lead-Safe Pittsburgh is committed to the development of lead-safe housing initiatives and a comprehensive program for lead poisoning prevention, advocacy, outreach and education that will result in healthier children, better school performance, and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares October 21st - 26th as Lead Awareness Week in the City of Pittsburgh.

THE CHAIR moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

I would like to introduce Director Stanley Lowe the Executive Director of the Housing Authority and have him to say a few words and introduce the guests he brought with him today.

Mr. Lowe:

On behalf of the Housing Authority of City of Pittsburgh and our newly formed partnership Lead Safe Pittsburgh it gives me great pleasure to accept this.

We have little over 9,000 public

housing units in the City of Pittsburgh. If you combine the section eight units that we are approaching close to 18,000 units. We undoubtedly are the largest landlord in the City of Pittsburgh. We have a tremendous stake in this given the number of children that populate not only our family communities but populate our buildings that provide publicly assisted housing in the City of Pittsburgh.

When Paul Dingleman brought this matter to my attention, I said that we along with others representing various agencies both City and County ought to be in the forefront of dealing with this issue. So it is with great pleasure that we accept this recognition on behalf of Council to the Housing Authority and our other participants.

I am going ask Paul Dingleman who is working with us to come up and introduce our guests and also to ask Andrew McElwayne, Director of Environmental Programs for the Heinz Endowments and Dave Pipizar, Program Administrator for Allegheny County Health Department to join us. Would you?

Mr. Dingleman:

Thank you, Mr. Lowe, and thank you, Councilman Udin. We at the Housing Authority of the City of Pittsburgh are honored with this resolution. However, we are just one of many of the partnerships. We were one of a few to decide to get the resources together and along with the Heinz Endowment and the Allegheny County Health Department and Conversation Consultants Incorporated, and Clear Corp as well as Environmental City Initiative, we sat down at a table about four or five

times and decided that the best routes to do this. I would like to Andrew McElwayne from the Heinz Endowment up to say a few words on behalf of Ms. Heinz and the Heinz Endowments.

**Mr. McElwayne:**

Thank you very much. On behalf of Theresa Heinz, I appreciate the partnership the City and County have created known as legislative Pittsburgh. This is a topic and a subject of Ms. Heinz, founder of the coalition to end childhood lead poisoning. It is very devoted to and she sends her regrets, she could not be here personally.

This initiative is one of the most comprehensive lead abatement programs anywhere in the United States today. It is indeed a model, if I may say so, of cooperation not only regionally but also between public sector, private sector, and non-profit sector to attack a ubiquitous childhood health problem.

Lastly, I would note that every renaissance in the City of Pittsburgh is emphasized economic development, environmental restoration and health. With this initiative health and the environment are again parts of the larger effort to redevelop this region and make it truly a sustainable and livable community.

**Mr. Lowe:**

Finally I would like to bring Dave Pipizar from the Allegheny County Health Department up to say a few words on behalf of health department.

**Mr. Pipizar:**

Thank you, Paul, and thank you,

members of Council, for certainly taking this initiative and showing leadership in reducing childhood lead poisoning here in Pittsburgh and throughout Allegheny County. Many of you may not be aware of the fact that one out of 10 kids we test in the health department are likely to exceed the CDC action level for lead poisoning. One out of 20 kids are likely to have some need for medical care or environmental hazard reductions within their own homes. That's the problem here. It is not within our own homes. There are some 80,000 low income dwelling units in the City of Pittsburgh that are pre-1940 construction date. That means we have some significant lead hazards in those units. We are trying very hard to organize the community and build some structure so that we can help reduce that in an affordable way.

We have to be conscious of the fact that lead poisoning and reducing lead hazards can be very expensive. We want to do that in a way that is still preserves our affordable housing stock. I want to thank the Council and thank the Mayor for taking leadership again in this very important crusade against in our fight for reducing childhood lead poisoning. We have much to do yet. There is still significant issues that we face as we organize the community, find new financing resources to do this, and we certainly welcome your support. Your a real help in increasing awareness in our community about the dangers of lead paint which going very much unnoticed throughout our community. Thank you.

**Mr. Cohen:**

I just want to thank you on this initiative and thank Councilman Udin for

bringing this forward, also the Heinz Foundation, the Housing Authority, and the County Health Department, etceteras.

This Council several years ago established a task force on childhood lead poisoning. Some of you were involved in that and so have very much understand and care about this problem.

We also have in our City one of the leading experts in this area, Dr. Herbert Needleman, who came and spoke before Council on this issue. The only reason I mention that is we would love to see the report and would also love to know how we as a local legislature could help you on this effort? If there are things that we could do, We would love to help. Thank you.

**Mr. Onorato:**

I also want to add, I remember reading a report several years ago about the lead poisoning problem. North Side was hit pretty hard with some of the worst areas. I want to take this opportunities to thank Stanley Lowe and the Housing Authority because one of the ways you can help with lead poisoning is to remove the old paint that is chipping everywhere.

I was just up in North View along with Councilman Udin recently. I went through the rec center and I noticed a lot of these buildings have just been repainted and that's the first time they have been touched with paint as long as I can remember. That goes a long way. These are the facilities where the kids playing everyday. This is the cleanest it has ever been. It is new paint. The chipping is gone. I want to thank you for doing that because I think that goes a long way in

starting to prevent -- let's face it no matter how much you warn some of the children, they are never going to know what the dangers of lead poisoning is because they are kids. But we can remove the chipping that they might get there hands on and I think you started something up there that is going to go a long way to preventing some of the future problems. So, thank you.

**The Chair:**

Thank you. Thank you all for your initiative and leadership. Thank you.

We want to especially thank the Allegheny County Health Department as the public health agency in this county. We can be proud that they have labored long and hard on a number of important primary care health initiatives including leadership on lead based paint problems especially for early childhood.

At this time I would like Charlotte Arnold and guests to come forward please. Charlotte Arnold is here and also Katherine Lyon from the program for female offenders, we will get you both up here. I don't think there would be any objection from my other colleagues joining in supporting this proclamation. Many of my colleagues have been active and supporting the work of the program for many years. I would like to read the following resolution.

**THE CHAIR PRESENTS:**

No. 2474 WHEREAS, Charlotte Arnold founded THE PROGRAM for Female Offenders in 1976 committing herself to the support, healing and

rehabilitation of women who have been caught in the web of criminal offense; and

WHEREAS, under the leadership of Charlotte Arnold THE PROGRAM for Female Offenders has grown from a two person storefront office to a statewide agency serving more than 700 women and children per year throughout the Commonwealth of Pennsylvania; and

WHEREAS, as Executive Director of THE PROGRAM for Female Offenders, Charlotte Arnold created and implemented numerous and varied programs which were highly successful in assisting women and their families during the difficult transition from incarceration to life as free and productive citizens; and

WHEREAS, through her guiding spirit and direction, Charlotte Arnold gave so many women the tools needed to overcome problems of addiction, illiteracy and poverty in order to become good mothers and contributing members of society; and

WHEREAS, on Friday, October 24, 1997, Charlotte Arnold will be honored at a retirement dinner for her 21 years of dedication to and leadership of THE PROGRAM for Female Offenders.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends and congratulates Charlotte Arnold for establishing THE PROGRAM for Female Offenders and for her commitment and service to the advancement of women; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh hereby declares Friday, October 24, 1997

to be "Charlotte Arnold Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the proclamation speaks for itself. I know many of my colleagues join in sponsoring this proclamation including many who have worked on similar issues that your agency and your organizations have struggled with over the years. I think it is important that we point out and highlight not only the success of this program in bringing new meaning to people lives, but more importantly, I think it is important that we really pay respect to individuals who get out front of the pack and really help provide leadership. In this case, we have the benefit of Charlotte who has for many years even prior to the actual formation of the formal program, I know has been very active in the community in providing leadership and part and partial success of this agency is not only the staffing and the commitment that some volunteers and other agency staff people make, as well as the spirited participation of individuals in the program who recognize that they want to change their quality of life for themselves and their families. It always takes an individual to help lead the way. In this case, we have a treasurer here in the City of Pittsburgh with the participation and leadership and eloquence of Charlotte Arnold.

It's a great honor to applaud you I

know you probably formally retiring but are far from retiring, and we want to thank you. You want to say a few words?

**Ms. Lyon:**

No. I think I am going to let the Director say a few words.

**The Chair:**

Okay. Well we do want to welcome also Katherine Lyon for being here today from the program and, Charlotte, you want to say a few words?

**Ms. Arnold:**

I don't know that there's very much more to say except thank you for honoring not only me but the program for female offenders and for the work we do with a most needy population. My last plea to please continue to support the program and its needs to help these women. Thank you very much.

**Mr. Udin:**

Thank you. First of all, I want to join in thanking Charlotte Arnold for her many, many years of service. When I first started operating a drug treatment program back in the very early '70's, Charlotte Arnold was there providing services to women at a very difficult time. She has continued to this day and the program will continue to operate because of the fine work that you did in laying the foundation. As I drive by the house of cross roads with pride, you will drive by the program for female offenders. You will be tempted to stop and go back in, don't do it. Just keep driving. Thank you very much for your many years of service.

**Mr. Hertzberg:**

Thank you, Mr. President. I can't pass up a chance to say anything because for me this program goes way back to my first contact was when I was in high school I helped in building their first offices on the 1300 block of 5th Avenue. I have kind of had contact off and on with the program and with Charlotte up to the time that now with the new office facility up on Forbes Avenue, which is a beautiful new facility, I hope everyone has had an opportunity to see it. I think this program though, you mentioned here that it's highly successful, I think it is more than that.

I don't no what the numbers are and I don't want to trash any other programs out there but I think it is probably the single most effective program doing this type of work in the whole country.

So you have done a great job in laying the foundation as Councilman Udin said, I am sure there are a lot of confident people around you to continue it. I know you won't take your eye off it no matter what.

**Mr. O'Connor:**

I can't help but put my two cents in because I have known Charlotte a long time and her husband John. Actually she leaned on me to start hiring her people 10 years ago. I was very glad she did because they really do an outstanding job for employers. What people may not realize, they match female offenders with jobs and they help really get people out of their past and into a new life. That's what everyone is talking about, helping people get a job and the success rate. I saw it first hand.



The more people she sent, the better it was for us as employers too. They did an outstanding job and I am so proud every time I drive down Forbes Street to see your new building. You will missed but please keep active.

**The Chair:**

In order to get some extra energy to finish the meeting, I would like Scott Baker to come forward now with some of his baked goods. I don't know how he ended up with a name like Scott Baker representing the Bakery Association, but his grandparents were very gratuitous. We are very pleased to have Scott Baker here today from Jenny Lee Bakery and Scott's dad Bernie May is not here today but he is one of the leaders of this program. I would like read the following proclamation and unfortunately I have been asked to be a judge in the contest and as you can see I probably shouldn't be the judge.

I would like to read the following proclamation.

**THE CHAIR PRESENTS:**

No. 2475 WHEREAS, the Western Pennsylvania Baker's Association was chartered in 1919 to promote the advancement of the baking industry in every way possible; and

WHEREAS, to join the Western Pennsylvania Baker's Association, a new member must agree to a code of ethics that include a pledge to manufacture products using only the highest quality ingredients, prepared under strict sanitary conditions and sold at a fair price; and

WHEREAS, the Western Pennsylvania Baker's Association has sponsored many students through scholarships and has assisted government officials by keeping them informed of the effects that new laws have on the baking industry; and

WHEREAS, the Western Pennsylvania Baker's Association has over 100 members made up of Retail Bakers and Allied Companies that supply Pittsburgh's local bakeries, the majority of which are family owned and operated and have just one location; and

WHEREAS, the Western Pennsylvania Baker's Association employs several thousand people in Pittsburgh and the surrounding communities; and

WHEREAS, in the Western Pennsylvania Baker's Association's 77 years of existence 63 men and two women have served as President including Scott Baker, from Jenny Lee Bakery, the current President, who is the third generation holding that office, succeeding his grandfather Paul who was president in 1945 and his father Bernie who was president in 1973; and

WHEREAS, October 22, 1997, the Western Pennsylvania Baker's Association will be sponsoring the 13th Baked Foods Contest in the PPG Winter Garden, downtown.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the Western Pennsylvania Baker's Association for pleasing the palates of Pittsburghers; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF PITTSBURGH hereby declares the week of October 20th - 25th, 1997 to be "Retail Baker's Week" in the City of Pittsburgh.

**MR. ONORATO** moved to adopt the resolution.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you. I think the proclamation speaks for itself. We have a gentleman here, Mr. Baker, who is a baker and somebody who has contributed long and hard hours to making a great product.

I think when you think of baked goods in Pittsburgh we readily think of the Nabisco Company, which is not so much the retail baker but a very large landmark institution employing well over 600 workers. But part of the backbone I think proudly when we are working on neighborhood revitalization and commercial corridors, often times we point to certain businesses that we want to see in the mix of neighborhood service retail. Whether it be Murray Avenue or Wiley Avenue or Butler Street, you name it part of the revitalization of the maintaining of a strong neighborhood based business corridor is the presence of one or more bakery.

I can remember at a time when there were 5 or more bakeries than there are now along Forbes corridor. It is unfortunate that some of those had to close. We want to applaud the business acumen and the leadership of the retail

baking community. It is a small business community. It's probably hard to make a buck and it is long and hard hours, its hard work. You have to please an awful lot of people when you're serving a retail product like bake goods but when you look at a company like Jenny Lee and others that are members of groups within this bakery association we can spit off and spell off names that have been around the city for 100 years and longer. So we can be proud in the City not only of the great baked retail industry locally but that we have leaders like Scott and his family who helped to be advocates for the industry itself. We are here to applaud him. I was asked to be a judge. I look forward to eating some of the products this week. If any of my colleagues want to join and help in that, you're welcome to; I would appreciate the help.

At this time, we would like Scott to say a few words.

**Mr. Baker:**

On the behalf of the Western Pennsylvania Bakers Association and its more than 80 retail bakery members, I would like to thank Pittsburgh City Council for proclaiming this week retail bakery week in the City of Pittsburgh and also for recognizing the hard work that we do and the surviving retail bakery.

Wednesday, Thursday and Friday is our bake good contest at PPG Winter Garden, and I would like to invite all of you down to see our products and to see why we are still on top.

**Mr. Cohen:**

Just to see them or can we eat them

also?

**Mr. Baker:**

They are on display. If you seek something you like you can -- all of bakeries will be noted of whom made the entry. I wanted to state, Mr. Ferlo, all the previous experience helps, so personally and finally as a 5th generation Pittsburgh baker with Jenny Lee, I wanted to make sure that City Council was well fed after your meeting today.

**THE CHAIR PRESENTS:**

No. 2476 WHEREAS, Therese Rocco was honored by the National Police Magazine as Outstanding Officer of the Month in 1974 and was recognized in 1975 as the Outstanding Woman in Law Enforcement by the Kaufman's Triangle Corner - the first and only time this group bestowed this honor; and

WHEREAS, Therese Rocco was the first woman to receive the Golden Jubilee Award presented by the Italian Sons and Daughters of America in 1981 and also received, that year, the Rosey Rosewell Award from the Ward Home for dedicated service to children and youth as well as the Willie Stargell Award for work with disadvantaged and dependent children; and

WHEREAS, in 1985 Therese Rocco received an award from the International Chiefs of Police Association for dedicated service in the area of prevention of juvenile delinquency and was also appointed to the rank of Commander in the Pittsburgh Bureau of Police with the responsibility for the

Community Relations, Youth and Missing Persons and Sex Assault Sections; and

WHEREAS, Therese Rocco was recognized in the July 6, 1987 issue of "Newsweek" Magazine as a present day heroine for her dedication to peace and in that same year received an Outstanding Tribute Award from Governor Robert Casey and the Chamber of Commerce for her long-time service and dedication to the plight of missing children; and

WHEREAS, Therese Rocco researched, developed and was instrumental in the establishment of the CRIMESTOPPERS program and was appointed by Mayor Sophie Masloff as the first woman to be an assistant Chief in the Pittsburgh Bureau of Police in 1989; and

WHEREAS, in 1991 Therese Rocco received the Variety Club Award for Law Enforcement Dedication for work in the area of prevention of child abuse and in the same year received the Distinguished Alumna Award from the University of Pittsburgh in recognition of her outstanding achievement and service to the youth of the community; and

WHEREAS, Mom's House, which is dedicated to assisting single low-income student parents complete their education and break the cycle of welfare and poverty, will be honoring Therese Rocco with its "Courageous Woman Award" on Friday, October 24, 1997.

NOW THEREFORE, BE IT RESOLVED, that the Council of the city of Pittsburgh hereby extends its gratitude and congratulations to Therese Rocco for her exemplary service to the City of Pittsburgh and for her dedication to the

cause of women and children in the City of Pittsburgh;' and

BE IT FURTHER RESOLVED by the Council of the City of Pittsburgh that Friday, October 24, 1997 is hereby proclaimed to be Therese Rocco day in the City of Pittsburgh.

**The Chair:**

Again I would ask my colleagues to join in the proclamation honoring Commander Rocco who I think will be honored later on this week at a dinner.

**MR. HERTZBERG** moved to approve the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you very much.

I believe that concludes our read and adopted. Moving to presentation of papers.

**MR. COHEN PRESENTS:**

No. 2477 Resolution providing for the issuance of a warrant in favor of United States Department of Justice in the amount of \$20,894.55 for reimbursement of unobligated federal grant funding.

Which was read and referred to the Committee on Finance and Budget.

**MS. MCDONALD AND MR. HERTZBERG PRESENT:**

No. 2478 Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the Schenley Center Tax Incremental Financing District, and making certain findings. (Council District No. 6)

No. 2479 Resolution Authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the Schenley Center Tax Incremental Financing District. (Council District No. 6)

**MS. MCDONALD** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

No. 2480 Resolution approving execution of a contract for disposition of land by and between the URA and The Rubinoff Company or a limited partnership to be formed for the sale of Parcel F-1 (part of B&L 29-J-8) in the 16<sup>th</sup> Ward, City of Pittsburgh, Redevelopment Area No. 55, Carson Street, District No. 3 (construction of distribution facility).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

No. 2481 Resolution granting the Bureau of Building Inspection the power to post signs on public rights of way outside properties in violation of the City Building Code. (SPONSORED BY MR. COHEN)

Which was read and referred to the Committee on Public Safety Services

**MR. ONORATO PRESENTED:**

No. 2482 Resolution authorizing a Cooperative Agreement with Urban Redevelopment Authority as the City's agent to provide for professional services that will advance riverfront park and trail development through the exploration of alternative funding strategies and design solutions at a cost not to exceed \$15,000.

No. 2483 Resolution authorizing the City Controller to create a trust fund for the depositing of funds from the Southwestern Pennsylvania Regional Planning Commissions (SPRPC).

Which were read and referred to the Committee on Planning, Zoning and Land Use.

**MR. UDIN PRESENTED:**

No. 2484 Ordinance amending the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 163, by increasing the Solicitor's authority for settlement of claims not exceeding \$750 to claims not exceeding \$2,500.

No. 2485 Resolution providing for the issuance of a warrant in favor of Patricia Cross and John T. Brady in settlement of a claim filed in the Court of

Common Pleas of Allegheny County, charging the same to Code Account 46.

No. 2486 Resolution providing for the issuance of a warrant in favor of Mary Clark in settlement of a claim filed in the Court of Common Pleas of Allegheny County, charging the same to Code Account 46.

No. 2487 Resolution providing for the issuance of a warrant in favor of Margaret and William Burke in settlement of a claim in which their vehicle was damaged by a fallen City tree, charging the same to Code Account 46.

No. 2488 Resolution providing for the issuance of a warrant in favor of Ernest J. Frederick in settlement of a claim in which his sidewalk was damaged by City tree roots, charging the same to Code Account 46.

No. 2489 Resolution providing for the issuance of a warrant in favor of Russell Kopf in settlement of a claim in which his sidewalk was damaged due to City tree roots, charging the same to Code Account 46.

No. 2490 Resolution providing for the issuance of a warrant in favor of Alamo Rent A Car in settlement for an incident in which a rented vehicle driven by a City employee was involved in an accident, charging the same to Code Account 46.

No. 2491 Resolution providing for the issuance of a warrant in favor of Charles Johnson in settlement of a claim for sidewalk damage due to tree roots, charging the same to Code Account 46.

No. 2492 Resolution providing for the issuance of a warrant in favor of Joe Pippi in settlement for an incident in which the right side of claimant's vehicle was damaged due to an accident with a fire truck, charging the same to Code Account 46.

No. 2493 Resolution providing for the issuance of a warrant in favor of James Sherer in settlement of a claim for damage to claimant's sidewalk due to City tree roots, charging the same to Code Account 46.

No. 2494 Resolution authorizing an agreement for the hiring of counsel and consultants to assist in the representation of the City for outside legal counsel and consultants at a cost not to exceed \$100,000, charging the same to Code Account 46.

Which were read and referred to the Committee on Finance and Budget.

#### **THE CHAIR PRESENTED:**

No. 2495 Petition from the residents of the City of Pittsburgh requesting a public hearing before City Council concerning traffic safety and traffic conditions on McMonagle Avenue, 20<sup>th</sup> Ward.

Which was read and referred to the Committee on Engineering and Construction.

#### **The Chair:**

That concludes our presentation of papers under unfinished business or reports of special committees.

#### **REPORTS OF COMMITTEES**

New papers to be presented before the body. If not moving to Reports of Committee.

Councilman Onorato is chairing a post agenda immediately following this involving the Braxis and real estate tax payments.

#### **MR. UDIN PRESENTED:**

Bill No. 2496:

Report of Committee on Finance and Budget for October 15, 1997, sundry resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill 2413:

Resolution authorizing the transfer of fifty-three thousand, five hundred dollars (\$53,500) from Code Account BBITF, Fund 2404, Account 525500, Organization 274300, Sub-Class 600, Department of Public Safety, Bureau of Building Inspection to Demolition Trust Fund, Fund 8728, Organization 274300, Approp. 600, Account 526500, Department of Public Safety, Bureau of Building Inspection. **(PRESENTED BY MR. COHEN).**

Which was read.

Also,

Bill 2416:

Resolution providing for the issuance of a warrant in favor of the Pittsburgh Legal Journal, Mellon Bank Lock Box, Post Office Box 371124, Pittsburgh, PA 15259-0003, in the amount of \$4,763.90 for payment of legal advertising costs of properties included in the June 16, 1997 City Treasurer's Sale to satisfy unpaid city and School District of Pittsburgh Real Estate Taxes and/or City of Pittsburgh Sewage charges, chargeable to and payable from Code Account No. 1063, Miscellaneous Services, Department of Finance, Index Code 106302, Account 521300, Fund 1000, Organization 107500, Sub-Class 150, Budget Year 1997.

Which was read.

Also,

Bill 2417:

Resolution providing for the issuance of a \$1,334.00 warrant in favor of Henry Pucciarelli in settlement of a claim for stolen tools, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill 2418:

Resolution providing for the issuance of a \$2,967.54 warrant in favor of Frank Mattola in settlement of a claim in which a City fire truck hit and damaged claimant's vehicle on May 18, 1997, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill 2419:

Resolution authorizing the Mayor, the Director of Finance and the Director of the Department of Parks and Recreation to grant a license to Columbia Gas of Pennsylvania, Inc. to install, use, maintain and remove a regulator station on property of the City of Pittsburgh, West of the intersection of Arabella and Suncrest Streets, known as McKinley Park, and to install, use and maintain a regulator station on property of the City of Pittsburgh East of Tropical Avenue near Shadycrest Drive, also known as McKinley Park..

Which was read.

Also,

Bill 2420:

Resolution repealing resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

(A) Lot 20 x 100, 5109 Penn Avenue, purchaser Ernest & Donna Graham, 10<sup>th</sup> Ward, Block 50K, Lot 346, \$500.00. (Council District 7)

(B) Lot 28 x 85, 507 Lincoln Avenue, purchaser Alma Hicks, 12<sup>th</sup> Ward, Block 125-B, Lot 84, \$350.00. (Council District 9)

(C) Lot 37.42 x avg, 45.74 x 61.08, 7828 Bennett Street, purchaser

Wendel Poindexter, 13<sup>th</sup> Ward, Block 174-S, Lot 72, \$460.00. (Council District 9)

(D) Lot 47.13 x avg. 63.04rr, 1213-1215 N. Lang Avenue, purchaser Amoszinnia Williams Scott, 13<sup>th</sup> Ward, Block 174-A, Lot 190, \$100.00. (Council District 9)

(E) Lot 25 x 126, 7939 Tioga Street, 13<sup>th</sup> Ward, purchaser Queen E. Wade, Block 175-H, Lot 130, \$100.00. (Council District 9)

(F) Lot 25 x 120, 2404 & 2406 Spring Street, purchaser Thomas V. Trimbur, 16<sup>th</sup> Ward, Block 13-R, Lot 232 & 233, \$100.00. (Council District 9)

(G) Lot 22 x 138, 1426 Sheffield Street, 21<sup>st</sup> Ward, Block 22-P, Lot 245, purchaser Atlantis Bey, \$700.00. (Council District 6).

(H) Lot 12 x 100; 20 x 100, 1956-1958 Lithgow Avenue, purchaser Cheryl R. Williams, 25<sup>th</sup> Ward, Block 46-P, Lot 101A & 102, \$100.00. (Council District 1.)

(I) Lot 37.16 x 75, 143 Lecky Avenue, purchaser Monroe J. Coleman, 27<sup>th</sup> Ward, Block 75-M, Lot 337, \$325.00. (Council District 1).

Which was read.

Also,

Bill 2421:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale

and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

(A) 6353 Apple Street, 12<sup>th</sup> Ward, Block 124G, Lot 264, being sold to Jimmy Stallworth, \$100.00. Intended use: Additional yard space. (Council District 9).

(B) 189-191 Shetland Street, 12<sup>th</sup> Ward, Block 124K, Lot 182, being sold to William & Althea McDaniel, \$100.00. Intended Use: Additional yard space. (Council District 9).

(C) 2732 ½ Louisiana Avenue, 20<sup>th</sup> Ward, Block 63H, Lot 36, being sold to Richard R. Schneider, \$100.00. Intended Use: Additional yard space. (Council District 2).

(D) 515-517 Jefferson Street, 25<sup>th</sup> Ward, Block 23E, Lot 143 & 144, being sold to Olin & Virginia Inmon, Jr., \$200.00. Intended Use: Additional yard space (Council District 6).

(E) 1302-1/2 Nobles Lane, 29<sup>th</sup> Ward, Block 60-E, Lot 143, being sold to Andrew R. Young, \$100.00. Intended Use: Parking Pad (Council District 4).

Which was read.

Also,

Bill 2422:

Resolution authorizing the sale of City of Pittsburgh owned property in the 10th Ward, 1732 Antietam Street, designated as Block 121 L, Lot 106, to



Joan C. Martin, for the sum of \$100.00.  
(Council District 7).

Which was read.

Also,

Bill 2423:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

(A) 4607 Forbes Avenue, 4<sup>th</sup> Ward, Block 52-N, Lot 254, being sold to The Hillel Foundation at University of Pittsburgh. Vacant lot containing an area of 4,279 sq. ft., \$21,000.00. Intended Use: Construct building for use as their offices and for student education. (Council District 6)

(B) 1126-1128 Herron Avenue, 6<sup>th</sup> Ward, Block 26-E-16 & 169, being sold to Jerome Williams. Two vacant lots containing a combined area of 4,180 sq. ft., \$500.00. Intended Use: Additional yard space. (Council District 7)

(C) 243 - 245 Meadow Street, & 505 Lowell Street, 12<sup>th</sup> Ward, Block 124-P-199 & 200, being sold to National Council for Urban Peace & Justice. Two vacant lots containing a combined area of 12,605 sq. ft., \$2,000.00. Intended Use: Urban garden & community development. (Council District 9).

D) 7801 Frankstown Avenue, 13<sup>th</sup> Ward, Block 174-M, Lot 389, being sold to Michelle Lawson, \$1,500.00. 2. 5 Story

Brick house situated on a lot containing an area of 3,625 sq. ft. Intended Use: Personal residence. (Council District 9).

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Is there any discussion? Hearing none, the bills are now ready for vote. All in favor of the passage of the bills, please vote aye when your names are called, if opposed, please vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**Ayes Eight Noes none**

**The Chair:**

All of the bills having received the legally required number of votes have been approved finally.

That concludes our Reports of Committees.

## **MOTIONS AND RESOLUTIONS**

Under motions and resolutions, I remind my colleagues we have a post agenda immediately following this regarding Bill 2368 a review and collection of real estate and realty transfer

taxes regarding the Braxis Cornell, Inc. Company as well we have a public hearing tonight at 6:30 p.m. at Perry High school regarding the stadium tax, Regional Renaissance Initiative, whatever you want to call it. The Public Hearing will be at 6:30 this evening at Perry High School.

If you wants to learn more about the initiative the pros and con's if you want to speak, you can call the City Clerk at 255-3128. That's this evening at Perry High School.

I have asked Councilman Onorato to Chair that since I will be debating the issue in Highland Park at St. Andrews Church in another forum. So thank you.

Other matters to be brought before the Board?

**Mr. Onorato:**

On the post agenda, while we are talking, if Rich Fees from the Treasurer's Office and Ron Ferder from the Law Department could please start heading up because they are probably waiting and we are getting done pretty early today. As soon as they get here, we will start.

**The Chair:**

Thank you. I am going to ask Councilman Ricciardi to help you convene a meeting with Public Works regarding the rumors regarding the second division either closing or consolidating. I have been flooded in my office with calls that may indirectly effect public work service area Councilwoman McDonald, Councilman Udin, and other neighborhoods that are part of that second and fourth division and third division

probably. So we need to get a better understanding of what is being proposed. I have even heard rumors that the building has been sold. I don't know how somebody sells a public building without Council --

**Mr. Onorato:**

I got calls worried that downtown will become a priority and the North Side will be a second priority. We don't want that to happen either. I don't know what is true or what isn't, but I heard the same rumors.

**The Chair:**

I just think it is important maybe that we be briefed and be able to have some input on this issue it is an important issue and we don't want to see consolidation have a direct impact on the lack of providing services that people have come to expect. There are a lot of questions that come up in this move. Unfortunately, the way things get done, there is procedural, the administration meet amongst themselves, they meet with the supervisor, they meet with the Foreman, the public starts hearing about it, we start getting flooded with calls. I don't know how many colleagues have been made aware of the proposal, which is supposed to take place in January 1.

**Mr. Ricciardi:**

Yes, Mr. President. I will set that meeting next week either in our conference room or by post agenda. As a matter of fact I conferred with our Finance Director this morning, Mr. Sala Udin, and stated the same thing that during this budget process I think there is going to be

some decisions and some might be difficult to make.

However, at this particular time, we have not been brought into the process and until we do, I think that is exactly what happens, I think all these rumors. I think not only this particular issue regarding public works, but the administration needs to meet with this body either collectively or individually about a host of decisions that they are making. I think you would be agree with that?

**The Chair:**

As another suggestion, to Councilman Udin, I know he has put out a preliminary agenda regarding the fall schedule for the Budget deliberations. I would like to also suggest that maybe we take a survey of each colleague whether topical areas we want to talk, I do not want to sit there and hear people drawn on about their budget to be quite honest with you. It's an irrelevant discussion really in terms of what the budget actually means. I would ask if there is some way to facilitate topical discussions, like if we want to talk about graffiti removal. We talk about that as a topic and bring different people in who in some way have a departmental responsibility and then we talk about the budget particular to a topic that we all care about.

I am just using that as an example. If you want to talk about vacant lots, then we --I am just asking maybe if you would give consideration to create some topical items that we can all kind of contribute to the discussion that sometimes our interdepartmental and not just having necessarily public works before us or

public safety or BBI. I would ask that you give consideration to that.

**Mr. Udin:**

Also maybe helpful, Mr. Chairman, just to have a Council discussion of the broader question that to larger extent was initiated by the Post Agenda that you convened on the question of the use of community development block grant funds that maybe a useful discussion as well.

**The Chair:**

Yes I agree totally.

**Mr. Cohen:**

Just briefly on that, I think the Finance Chair took an important step last year, which was to get us away from the discussion of line item by line item and a broader discussion. I think what you are proposing is a step beyond that. I agree with you. What happens is we lose the forest through the trees or through the line items, and don't have the opportunity to really look at the big picture or to even come up with any new ideas. So, if we could do that and maybe have some kind of informal Council discussion on what topics either current or new ideas we could talk about rather than having the Director come up and do a dog and pony show that would be helpful.

**The Chair:**

Thank you. Again, not to pick on the graffiti issue, we changed the whole ordinance regarding enforcement and provisions and unfortunately what has happened, I don't have any sense that the

ordinance has been fulfilled or the obligations met under the new ordinance regarding graffiti. So unfortunately, lots of private property are getting graffiti and it is not clear to me on the ordinance that BBI has the power to site the property owner because the ordinance implies that we are going to be out there cleaning it, which I knew was never going to happen. That is one of the reasons I didn't want to vote for the ordinance.

need to talk about, but I think maybe if we got into the some of the subject matters we would have a more participatory discussion during the budget proceedings instead of Councilman Udin's languishing away at the end of the table in front of the TV cameras.

Other matters to be brought before the body? Again, we have a post agenda and a public hearing this evening. Any other items? Hearing none, this legislative session now stands adjourned. Thank you.

But that is just one topic that we

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*VOL. CXXXI*

*October 28, 1997*

*No. 40*

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO .....Deputy City Clerk

Pittsburgh, PA  
Tuesday, October 28, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everybody. We would like to welcome our guests here this morning. At this time would you all please rise for the pledge of allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under god, indivisible, with liberty and

justice for all.

#### PRESENTATIONS

##### MR. HERTZBERG PRESENTS:

No. 2497 WHEREAS, John D. Gallagher, son of Jane and John Gallagher, is a member of the Boy Scouts of America, Troop #66, sponsored by Sheraden Community Presbyterian Church on Allendale Street, in the 20<sup>th</sup> Ward of the City of Pittsburgh, Allegheny County, PA; and

WHEREAS, John has satisfied the Eagle Scout requirement of earning 21 merit badges, of which 11 are mandatory in the Outdoor, Fitness and Service Fields, and 10 are in the Fields of his own choice; and

WHEREAS, John was a Senior Patrol Leader; and for his service project, under his leadership, scouts, friends, and church organizations collected more than 1,000 pieces of men's clothing, and more than 2,000 pieces of women's clothing; the scouts then sorted, packed and delivered the clothing to the Light of Life Mission and to Miryam's Women's Shelter; and

WHEREAS, only those young men who have been outstanding in scouting, exhibit only the highest ideals, have the esteem of their community and fellow scouts, and serve in a position of responsibility and leadership obtain Eagle Scout status, the highest rank in the Boy Scouts; and

WHEREAS, through his enthusiasm, hard work and dedication, John has successfully fulfilled all these requirements and has been presented with the Eagle Badge at the Court of Honor ceremonies October 24, 1997;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Eagle Scout John D. Gallagher on his recent achievement and commends him for his accomplishments.

**MR. HERTZBERG** moved to adopt the resolution.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Members of MADD please come up. Arlene Baxter the PEC and Executive Director of MADD Allegheny, Westmoreland, and Beaver County. Dr. Charles Winick the Allegheny Country Crime Lab, and Ron Joseph from RPS, who has been a sponsor.

Good morning. I did have some statistics I don't have them on me. After I read the resolution there is an upswing especially on drunk driving among youth and the deaths in Pennsylvania are starting to become alarming. This is a crucial time, we needed you for the last seventeen years, it looks like we need you even more now.

**MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:**

No. 2498 WHEREAS, the safety and welfare of all Pittsburghers is of prime concern and deserves the utmost attention and, drunk drivers are causing death, injury, and destruction of property and tragedy to families of the victims of drunk drivers; and,

WHEREAS, Mothers Against Drunk Driving (MADD) was founded 17 years ago and, through its wide acceptance of its precepts, counts more than one million members, who have volunteered countless hours to provide support to the victims of drunk drivers and their families and, acting as advocates, have served a vital role nationally in having over 1,600 laws enacted that are designed to prevent drunk driving tragedies; and,

WHEREAS, MADD's Allegheny/Westmoreland/Beaver Chapter and RPS, headquartered in the Pittsburgh area, are launching the annual "Red Ribbon - Tie One On For Safety" public awareness campaign to increase public awareness of the dangers of impaired driving during the holiday season and, at a time when many people are on the road and celebrating the holidays.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend MADD and RPS for sponsoring this worthwhile project and, furthermore, we urge citizens to display the traditional red ribbons, MADD's symbol of safe and sober driving, on their vehicles; to participate in public awareness campaigns; and, take part in the Designated Driver program in support of safe driving during the holiday season and throughout the year.

**MR. O'CONNOR** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Congratulations. You want to tell us a little about the program. I think we have red ribbons for everybody too.

**Ms. Baxter:**

MADD's red ribbon campaign is brought out at the holiday time although we have begun using them all year long. We ask people to tie one on, and change the meaning of tie one on by putting a red ribbon some place on their vehicle in a place that will remind them as well as other drivers on the road to drive safe and sober.

RPS has a group of volunteers that are going to be stationed today, it is kick off day in the City of Pittsburgh for red ribbon. At Fifth Avenue place during lunch hour RPS and MADD are going to be giving out ribbons and Halloween candy. Each ribbon is attached to a candy bar to get the persons attention. We want you to take that ribbon, tie it on your car and remind everybody to drive safely during the holiday season.

We especially thank our people at RPS who has been underwriting this with MADD for the past three years. Ron Joseph would you like to say something on behalf of RPS.

**Mr. Joseph:**

Thank you. Our company, RPS,

we are a large transportation company based here in the Pittsburgh area. We operate thousands of vehicles throughout the country. We think it is very important to support highway programs like MADD. They have been so successful in getting legislation passed it has truly had an impact on safety on the highway. We have a great care, of course, for all people on the highway, our people and everyone else that we share the road with. We are very proud to help sponsor and promote good awareness for this program. Thank you.

**Mr. O'Connor:**

I would like to introduce Dr. Charles Winick from Allegheny County.

**Mr. Winick:**

Thank you. This is the first time I have ever been in Council Chambers. I have been across the street at many wars, but this is the first time here. This is my 5th consecutive year as Chairman of the Red Ribbon Campaign. I enjoy doing it despite the fact that some days our hands get read from handling all the ribbons. I have kind of a selfish reason as well because the fewer drunks that are out there, the easier my job is. The numbers haven't changed too much for the last eight years. The number of drunk drivers in Allegheny County annually exceeds 5000 that includes the breath tests, blood tests, and tests done in hospitals.

I pushed the red ribbon campaign. I think people should all display the red ribbon letting know that they support people driving sober and that they support the designated driver concept. I push it so hard sometimes, people have accused me of being a pain in the neck and other

anatomical parts, but I don't mind that. It is a nice way to say, Good morning.

We will be asking the mayor to ask the police to put the red ribbons on the various county or city vehicles, on all the police cars; we usually get the support of the police as well. Thank you.

**Mr. O'Connor:**

Mara Kaplan please come up? This is the second annual event for you. You hear of Creative Play, it is an honor to have you here.

I will read the resolution.

**MR. O'CONNOR PRESENTS:**

No. 2499 WHEREAS, The Center for Creative Play is presenting its second annual Parent Award on October 30, 1997, in order to honor local parents who, in their professional lives, support and advocate for families; and,

WHEREAS, Robert Nelkin is the Director of Starting Points, a program of the Office of Child Development, University of Pittsburgh and previously, he served as the Director of Human Services for Allegheny County; and,

WHEREAS, The Center for Creative Play will honor Robert Nelkin for his work to eliminate the inhumane treatment of people with disabilities while, at the same time, helping to establish community support networks so that all people can be fully included in activities within the community.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh

does hereby congratulate Bob Nelkin for receiving the Center For Creative Play's Second Annual Parent Award and extends to Bob our sincere thanks and appreciation for his many efforts to improve the quality of life of the families and children of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, in recognition of Bob Nelkin's achievements and, his years of service for the public good, does hereby declare Thursday, October 30, 1997, to be Bob Nelkin Day in the City of Pittsburgh.

**MR. HERTZBERG** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Bob couldn't make it. You want to explain a little about the program? I know it was an exciting event last year.

**Ms. Kaplan:**

Thank you. The center for creative play is a unique resource in the City of Pittsburgh. We serve children of all abilities. It has been designed so that children who are in wheelchairs, who have visual impairments, or mental impairments can play along side with their typically developing peers. We are pleased this year to be giving our second annual parent award to Robert Nelkin who has made huge impacts on this community on being an advocate for people with disabilities. He has created an environment where people with



disabilities live alongside other people in our community and embracing and enlarging the enrichment of our community.

I invite everybody here to stop by and visit us at the center for creative play. We are open to the public. We want to include everyone in our community in a wonderful and exciting play center. I thank very much this City Council for recognizing Bob Nelkin for all of his efforts in our community. Thank you.

**Mr. Onorato:**

Everyone in the audience here with the greater Pittsburgh Literacy Council, please come forward and Bethany House and any other organization participating in this please come forward.

We have Don Block the Executive Director of the Greater Pittsburgh Literacy Council, Sharon Brently with Family Literacy Center, Joe Norden, Jr. with the Family Literacy Center, Veronica Trybolski with the Family Literacy Center, Leann Williams with Americorp, Bernadette Carnes with Americorp.

This is a great organization and what they do up in Northview Heights and throughout the region, I think it goes to the heart of some of the problems that we have. But these individuals have a solution to what we have to be doing throughout our neighborhoods. I am glad to be able to give you the proclamation today. I understand I am going to be participating on Saturday the first up in Northview Heights at the Bethany House.

**MR. ONORATO PRESENTS:**

No. 2500 WHEREAS, the Greater Pittsburgh Literacy Council's Families for Learning Program is celebrating National Family Literacy Day, Saturday, November 1, 1997, at an informal open house with celebrity readers at the Bethany House Ministries in Northview Heights; and

WHEREAS, National Family Literacy Day is being celebrated all over the country with special activities and events that will showcase the importance of family programs and community partnerships; and

WHEREAS, Family Literacy Programs bring parents and children together in the classroom to learn, and support each other in their efforts to further their education and improve their life skills. The parents and children soon develop as a team in learning and become partners for life; and

WHEREAS, the first family literacy program began in October 1995 in the Northview Heights community and is made up of a Head Start education program, an adult education program, parent and child together time, services from Beginning with Books and parent time. In 1996 community service, CCAC's New Choices program and the Greater Pittsburgh's Literacy Council Computer Learning Center were added to the program; and

WHEREAS, twenty-six families have graduated from the program and in September 1996, another family literacy program started in the St. Clair Village housing community.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the following organizations for their contributions to this program: Bethany House Ministries, Northview Heights Elementary School, The Poise Foundation, Preschool Development Inc., Beginning with Books, Pont Park College, CCAC New Choices Program, The Urban League, Hunger Service, Healthy Start, The Northview Heights Citizen Council, Phillip Murray Elementary School and The St. Clair Tenants Council.

BE IT FURTHER RESOLVED, that the Council acknowledges the National Center for Family Literacy and Toyota for sponsoring National Family Literacy Day. Over the last six years, Toyota has invested \$9 million dollars to establish family literacy programs across the country, and the Greater Pittsburgh Literacy Council has provided funding for the local celebration at the Bethany House Ministries.

**MR. ONORATO** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

Congratulations on great work and say a few words please.

**Mr. Block:**

Good morning. I am Don Block, Director of Literacy Council. I think the proclamation gave you many of the facts about this program. You can see that it

involves a tremendous team of organizations making this program successful. We can be proud that the National Center for Family Literacy chose Pittsburgh one of the 15 cities in the Country to run this family for learning program. Also, that it chose greater Pittsburgh's Literacy Council.

It is an exciting new concept that brings pre-school kids and their parents into the same educational program. We are very proud of its success. It is moving families from welfare into work and many other benefits are accruing. So we hope to expand beyond the two neighborhoods that were mentioned. Thank you very much, Councilman Onorato and the City of Pittsburgh Council members.

**Ms. Bentley:**

Hello, family literacy has become a way of life for so many people. Three years ago three teachers were sent to Louisville, Kentucky, not knowing what this was about and we bought into it completely. Two of us have moved on and I can't stop talking about family literacy and its benefits to families. I know the other teacher who has also moved on is doing the same thing. We are still great advocates for family literacy.

Something that needs to be mentioned is welfare reform is here. It is about and family literacy is welfare reform. It is getting people up, getting people educated and moving on and taking care of what they need to do for themselves and for their families.

**MR. ONORATO PRESENTS:**

No. 2501 WHEREAS, an area's appearance creates its identity; and

WHEREAS, appropriate storefront improvements, more than any other aspect demonstrate a business owner's commitment to a community; and

WHEREAS, 814 Madison Avenue has for decades been a neighborhood serving establishment, owned and operated by Lenny & Pat Verdetto since 1985; and

WHEREAS, Verdetto's Restaurant and Bar provides great food and entertainment in the Historic Deutschtown section of Spring Garden; and

WHEREAS, North Side City Shops, a program of the Northside Leadership Conference in partnership with local merchants, played an instrumental role in making this project a reality; and

WHEREAS, on Thursday, October 23, 1997 the community joins to celebrate the completion of Verdetto's Storefront Renovation; a grand first step toward the renewal of the Madison Avenue corridor.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Lenny and Pat Verdetto on their handsome façade, renovation, interior improvements and new menu and also commends Dru Imler and Eric Kukura for their ongoing commitment to advance business development and commercial revitalization efforts on Pittsburgh's North Side.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Also,

No. 2502 WHEREAS, the Brighton Road Presbyterian Church is a consolidation of two historic Pittsburgh congregations: The Brighton Road Presbyterian Church which was established in 1898 at its present location and the McClure Avenue Presbyterian Church, established in 1867 on McClure Avenue; and

WHEREAS, on October 26th, 1997 the Brighton-McClure Presbyterian Church will celebrate a double anniversary for both congregations; and

WHEREAS, the two churches that came together to form the Brighton-McClure Presbyterian Church share the same point of origin and celebrate together; and

WHEREAS, throughout the years both churches have emerged from a common source flowing together again in a consolidation which enables them to pool their human and material resources more effectively in an ongoing ministry to their community and the world; and

WHEREAS, Articles of Consolidation were approved by both congregations at the end of 1995 and the ecclesiastical consolidation took place in April of 1996; and

WHEREAS, the two churches that came from one common source have flowed together to form one vital

congregation whose members now unite in a spirit of Christian, love harmony, and partnership.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates the Brighton-McClure Presbyterian Church congregation on the celebration of its anniversary and wishes for them much success on their journey to serve the Lord.

**THE CHAIR** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Mr. Udin:**

I ask Councilwoman McDonald to join me and Mr. Rod Doss and all of your guests. Maryland Harvey and Reverend Maurice Doss, Lemont Doss, Cynthia Stuckawich, and staff of the Pittsburgh Courier please join us.

Colleagues, we are here today to celebrate and acknowledge 30 years of service on the part of one individual to a very important institution. An institution that is very important not only to African Americans, but to the development of the entire American family. 1910 was a very important year in a number of ways, not only was it the decade in which the NAACP was formed, but is also the decade in which a man who is probably the could best be known as the father of African American political life in this community, Robert L Van. The time that he formulated, constructed, founded the Pittsburgh Courier.

The Courier for those of you who may not know for many years was much like the New York Times to a lot of African Americans. That is know matter where people were whether in Miami, Atlanta, Texas, California, people read the Pittsburgh Courier not just as a Pittsburgh newspaper but as an international newspaper to know what was going on with the war, what was going on in sports and entertainment, what was going on in the news and in politics. It was a national newspaper and it is that kind of important institution that Rod Doss was brought into 30 years ago to maintain the high caliber of communication and advocacy that the Courier has represented. So it is a real pleasure for me to -- an honor for me to be able to along with Councilwoman McDonald present this award today.

I will read the resolution and then ask Councilwoman McDonald to share a few words. It is a resolution that is from all of the members of Council, not just myself and Ms. McDonald.

Then, Rod, I will ask you to come up and introduce the other guests and say a few words yourself.

**MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:**

No. 2503 WHEREAS, on Thursday, October 30, 1997, the New Pittsburgh Courier Publishing Company honors Rod Doss, Vice President and General Manager of the New Pittsburgh courier and;

WHEREAS, Rod Doss has been employed for the past 30 years at The New Pittsburgh Courier and has held a number of positions. In 1967, he began his career

with the Courier as an advertising sales representative and advanced to Advertising Manager in 1970. He became the Vice President of Advertising in 1978. He has held the position of Vice President and General Manager of the New Pittsburgh Courier since 1983; and in 1997 he was named editor and publisher, and;

WHEREAS, under his direction, the newspaper won the coveted John B. Russwurm Award in national competition in 1987. In 1988, Mr. Doss was responsible for the paper's successful move from a weekly to a twice-weekly publication. He oversees the financial, administrative and departmental activities of the operation and;

WHEREAS, Rod Doss is actively involved in the Pittsburgh community, serving on the Board of Directors for the Vocational Rehabilitation Center, the Dollar Energy Fund, The Press Club of Western PA, and the Black Media Marketing Association of Western PA. In addition, he serves on advisory committees for the Allegheny Policy Council, and the University of Pittsburgh's Institute of Politics. He also served as an executive committee member to the Dunn-Cranmer Allegheny County Transformation Team and;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh joins the New Pittsburgh Courier Publishing Company staff, in honoring Mr. Rod Doss for his 30 years of hard work, dedication and invaluable support to the newspaper and to the Pittsburgh community.

MR. UDIN moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Ms. McDonald:**

Thank you, Councilman Udin. I just wanted to say congratulations to Rod. It was an honor to have served with you on the African American Task Force for the new commissioners to set an agenda for African Americans and what needs to be done and what has been lacking and what has not been sufficiently addressed in the past. So that we can move forward. One thing about Rod is his diplomacy. He's always been a gentleman. He is very diplomatic. That task force was bipartisan. We came in there with different views. We had a little different basis that we were on, but he pulled it all together.

I congratulate him for 30 years. One thing about the Courier, if indeed there is an item that deals with some issue in the African American community, you may not see as much detail in some media, but go to the Courier and you will get all the details that are necessary. So the paper was not only just for us, but also for the entire community to understand what the issues are in-depth and the views of many of those of us in the total Pittsburgh area and the Allegheny County area.

I want to commend Rod Doss for his leadership and Councilman Udin for sponsoring this legislation. Thank you.

**The Chair:**

Let's give Rod Doss a big hand.

**Mr. Doss:**

Thank you both, Sala and Valerie,

President Ferlo distinguished Council members, my friends, and certainly my distinguished staff who has put together a couple of things, I understand, that are meant to both surprise and please me. I have to say I am both. Thank you very much.

Let me take a minute and identify who is here with me today. I have Donna Walker, who is our advertising manager. I have my starworth assistant Penny Palm. We have Ernie Carrier our circulation manager, our renown City editor Sanya Tolra. We have your production manager Carol Monoieus, my sister Marilyn Harvey. I am very pleased that they are all here with me.

Time flies and someone asked me, you know I have a daughter who lives out on the West Coast and she celebrated a birthday. They asked me how old she was. I said well wait a minute she's about 21, 22 and I suddenly realized she's 28. Then the next question that came about was about how long have you been at the Courier? I realized 30 years. Well, it is a moment of reflection when you consider you don't give much thought to the time that flies by when you are having fun, when you are work with great people, when you are doing something that you truly enjoy, when you are always looking forward and not so much behind. It is been truly a great honor to work at the Pittsburgh Courier. I consider it a great privilege. I am very very lucky. Some people like to think they that I am an optimist, but I rather think that I am the guy that holds the glass and that's the opportunity and I am very fortunate.

So again, I want to say thank you for this distinction, this privilege, this

honor, and I am humbled by it all. Thank you all.

#### THE CHAIR PRESENTS:

No. 2504 WHEREAS, on Friday, October 31, 1997, the Pennsylvania Office of Attorney General, Bureau of Consumer Protection, will be sponsoring a "Help Fair" in recognition of National Consumer Week in the lobby of the City-County Building; and

WHEREAS, consumers supply the demand for products and services that keep the wheels of industry turning and influence issues affecting both the public and private sectors; and

WHEREAS, the purpose of the "Help Fair" is to educate consumers by providing them with information and materials which will enable them to deal more confidently and competently with the market place; and

WHEREAS, the theme for National Consumers Weeks 1997 is "Fair Shake Marketplace"; and

WHEREAS, over thirty government, social service and non-profit agencies will be participating in the "Help Fair" assisting the public with valuable consumer tips.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the Pennsylvania Office of Attorney General, Bureau of Consumer Protection for its efforts to educate consumers and protect them from fraud, misrepresentation and product misinformation.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims Friday, October 31, 1997, to be "Fair Shake Marketplace Day" in the City of Pittsburgh and urges residents to participate in the Help Fair and take advantage of the Attorney General's valuable consumer services.

**THE CHAIR** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

Any other proclamations? Hearing none, moving to presentation of papers.

We have a post agenda immediately following this Council session.

**MR. HERTZBERG PRESENTED:**

No. 2505 Resolution further amending Resolution No. 266, effective April 26, 1996, as amended by Resolution No. 415, effective June 17, 1996, as amended by Resolution No. 146, effective April 7, 1997, entitled "Providing for an Agreement or Agreements with a Consultant or Consultants for cable consulting services which shall include legal and accounting services as authorized by the Director of the Department of General Services, at a cost not to exceed \$40,000.00, chargeable to and payable from the Community Communications Trust Fund (CCTF), Index Code 250555, FUND 2815, ORG 124000, ACCT 526125, SUB 600, Department of General Services, Bureau of Cable

Communications," by increasing the total allocation by \$20,000.00 from \$40,000.00 to \$60,000.00.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

**MS. MCDONALD PRESENTED:**

No. 2506 Resolution authorizing the City of Pittsburgh to submit grant applications to, and execute relevant agreements with, the Pennsylvania Department of Conservation and Natural Resources under the provisions of the Keystone Recreation, Park and Conservation Fund.

No. 2507 Resolution amending Resolution No. 875 effective September 23, 1991, entitled "Resolution amending Resolution No. 464 effective June 24, 1988" entitled "Amending Resolution No. 1439 of 1981 as amended by Resolution Nos. 402 and 1144 of 1982, by Resolution No. 933 of 1983, by Resolutions Nos. 102, and 285 of 1986, by Resolution No. 1030 of 1987, by Resolution No. 219 of 1988 and by Resolution No. 447 of 1995 entitled "Approving the submission and budget for the 1982 Community Development Block Grant Program" by changing a line item in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program).

No. 2508 Resolution amending Section 11 of Resolution No. 1420 effective December 31, 1980, as previously amended by Resolution Nos. 359 and 835 of 1981, by Resolution Nos. 417 and 830 of 1982, by Resolution Nos. 212 and 1012 of 1983, by Resolution No. 151 of 1984, by Resolution No. 115 of

1988, by Resolution Nos. 138 and 1179 of 1990, by Resolution 1153 of 1991, and by Resolution No. 445 of 1995 entitled: "Providing for the filing of an application by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1981 Community Development Block Grant Program", so as to reprogram funds in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program)

No. 2509 Resolution amending Section 10 of Resolution No. 167 effective March, 1983, as amended by Resolution Nos. 394 and 692 of 1983, by Resolution No. 940 of 1984, by Resolution No. 634 of 1985, by Resolution Nos. 103, 177, 515 and 660 of 1986, Resolution Nos. 286, 443, 502 and 705 of 1987, by Resolution No. 549 of 1989, Resolution No. 137 of 1990, by Resolution Nos. 38 and 1154 of 1991 and Resolution No. 446 of 1995 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the Department of Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program" so as to reprogram funds in the Public Works Department (from Picket Fence Program to Graffiti Removal Program).

No. 2510 Resolution amending Section 10 of Resolution No. 1181 effective December 26, 1986, as amended by Resolution No. 198 effective March 13, 1987, Resolution No. 584, effective July 27, 1987, Resolution Nos. 758 and 1063 of 1987, Resolution No. 517 of 1988, Resolution No. 328 of 1989, Resolution Nos. 134 and 1183 of 1990, by Resolution Nos. 202 and 1157 of 1991, by Resolution

No. 710 of 1993 and by Resolution No. 443 of 1995 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the Department of Housing and Urban Development for a grant in connection with the 1987 Community Development Block Grant Program", so as to reprogram funds in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program).

No. 2511 Resolution amending Resolution Nos. 507, 706, 956, 1148 and Resolution No. 1221 of 1991, Resolution Nos. 211, 524, 720 and 929 of 1992, Resolution No. 707 of 1993, Resolution No. 644 of 1994, Resolution No. 439 of 1995, and Resolution No. 361 and 818 of 1996 entitled: "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1991 Community Development Block Grant Program, so as to reprogram funds in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. O'CONNOR PRESENTED:**

No. 2512 Resolution providing for a Contract or Contracts, or use of existing Contracts for the Renovations of Volunteers and McBride Ballfields and for the purchase of equipment and materials for said projects; and providing for the projects at a cost not to exceed \$490,000.00 chargeable to and payable from the following account:



Acct. 600000, Fund 5100, Org. 301000, Sub Class PGHPR, Proj./Grant 2241015, Budget Year 1997.

No. 2513 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Street Tree Planting at Various Community Development Locations; and providing for the payment of the cost thereof, not to

Acct. 600000, Fund 2610, Org. 301000, Sub Class C1987, Proj./Grant 2245920, Budget Year 1997, Amount \$10,000.00

Acct. 600000, Fund 2610, Org. 301000, Sub Class C1988, Proj./Grant 2245920, Budget Year 1997, Amount \$15,000.00

Acct. 600000, Fund 2610, Org. 301000, Sub Class C1996, Proj./Grant 2245920, Budget Year 1997, Amount \$25,000.00

Total: \$50,000.00

No. 2514 Resolution further amending Resolution No. 1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by creating a new line item (Volunteers and McBride Ballfields).

Which were read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED:

No. 2515 Resolution authorizing the City to submit grant applications to and execute relevant agreements with the Pennsylvania Department of Conservation and Natural Resources under the provisions of the Keystone Recreation, Park and Conservation Fund.

No. 2516 Resolution authorizing an Agreement or Agreements with consultant or consultants, vendor or vendors, related to the development of a detailed implementation plan for the creation of a wetland on the Nine Mile Run site, at a cost not to exceed \$120,000; and to the Production of a Master Site Plan for the City's four regional parks (Riverview, Highland, Schenley and Frick), at a cost not to exceed \$200,000. (The total cost of the Nine Mile Run Wetland Plan is \$120,000: \$60,000 of which will be provided by the City as the local match, and \$60,000 from the Pennsylvania Department of Natural Resources. The Total cost of the Regional Parks Master Site Plan is \$200,000: \$100,000 of which will be provided by the City as the local match, and \$100,000 from the Pennsylvania Department of Natural Resources.

No. 2517 Resolution authorizing and directing the City Controller to create a Fund, to be designated the Nine Mile Run Rivers Conservation Plan, Chart Field: Acct. 000000; Fund 5100; ORG 110000; Sub-class PGHPR; P/G# 2256152; BY 1997; for the deposit of monies from the Pennsylvania Department of Conservation and Natural Resources or other sources and authorizing the use of the monies deposited into said fund to organize a study of the Nine Mile Run Watershed that will result in a plan for the conservation and restoration of the stream

and for the development of a park in the steam valley.

No. 2518 Resolution authorizing an agreement with consultants providing for administrative/staff costs related to the Nine Mile Run Rivers Conservation Plan not to exceed \$65,000, chargeable to and payable from: Acct. 500000; Fund 5100; ORG 110000; Sub-class PGHPR; Proj./Grant # 2256152; Budget Year 1997.

No. 2519 Resolution approving conditional use Application No. 668 – for expansion of a bed and breakfast facility located at 703 South Negley Avenue from four guest rooms to eight

No. 2520 Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map Nos. 6 and 11, by changing from "M4" Heavy Industrial District to "AP" Residential/ Commercial Planned Unit Development District all that certain property bounded by 23<sup>rd</sup> Street, 24<sup>th</sup> Street and Smallman Street, 2<sup>nd</sup> Ward.

**THE CHAIR** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

That's for the Armstrong Court Building.

We need to schedule a public hearing on that.

#### **MR. RICCIARDI PRESENTED:**

No. 2521 Resolution transferring the amount of \$3,000 from Misc. Services, Fund 1000, Sub Class 150, Budget Year 1997, to Materials, Fund 1000, Sub Class 110, Budget Year 1997, both within the Department of Public Works, Organization Code 422000. **(SPONSORED BY COUNCIL MEMBERS RICCIARDI, COHEN AND MCDONALD)**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. RICCIARDI** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

No. 2522 Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of equipment and materials for the graffiti removal program, and providing for the payment thereof.

No. 2523 Resolution providing for a cooperative agreement between the City of Pittsburgh and the Township of Baldwin in connection with the milling and resurfacing of Ely Road from McNeilly Road to City Line to Highview Road and providing for payment thereof.

No. 2524 Resolution Granting unto Don Alan and Helane Joy Linzer, 1208 Murray Hill Avenue, Pittsburgh, Pennsylvania 15217, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on DeArmitt Way in the 14<sup>th</sup> Ward, 8<sup>th</sup> Council District of the City of Pittsburgh.

No. 2525 Resolution Granting unto Joseph F. Stafura, 2A Monastery Street, Pittsburgh, Pennsylvania 15203, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a retaining wall and a flex beam on Brosville Street in the 17<sup>th</sup> Ward, 3<sup>rd</sup> Council District of the City of Pittsburgh.

No. 2526 Resolution Granting unto Kurt VanLehn and Michelene Chi, 5005 Castleman Street, Pittsburgh, Pennsylvania 15232, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on Castleman Street in the 7<sup>th</sup> Ward, 8<sup>th</sup> Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. UDIN PRESENTED:**

No. 2527 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates

Sideyard Program.

No. 2528 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

No. 2529 Resolution authorizing to issue a quit claim deed for property in the 32<sup>nd</sup> Ward to the Pennsylvania Department of Transportation for right-of-way and channel easement at Library Road, State Route 88.

No. 2530 Resolution providing for the acceptance by the City of Pittsburgh of 9 Trent Street, 5<sup>th</sup> Ward, 10-N-14, from the URA for \$1.00.

Which were read and referred to the Committee on Finance and Budget.

**THE CHAIR PRESENTED:**

No. 2531 Communication from Eloise Hirsh, Director, Department of City Planning, submitting the recertification of Area "T", Beechview, for the Residential Parking Permit Program in accordance with the Pittsburgh Code, Title Five, Traffic, Chapter 549, Residential Parking Permit Program, Section 549.06(d).

**MR. HERTZBERG** moved to receive and file.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

That concludes our presentation of papers. Any matter under Unfinished Business or Reports of Special Committees. Thank you.

Moving to reports of committee.

#### REPORTS OF COMMITTEES

##### MR. UDIN PRESENTED:

Bill No. 2532:

Report of committee on Finance and Budget for October 22, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2347:

Resolution authorizing the issuance of a warrant in favor of Werner Chepelsky & Partners, Inc. in the amount of \$10,000 in payment for the production of the "Look At Us Now" video and commercial, for the benefit of the City of Pittsburgh without previous authority of law; and providing for the payment thereof, chargeable to and payable from Index 180901, Account 525500. Fund 1000, Organization 520000, Subclass 150, Year 1997, in the Department of Parks and Recreation. (PRESENTED BY MR. CUSICK).

Which was read.

Also,  
Bill No. 2414:

Resolution transferring the sum of Ninety Thousand (\$90,000.00) Dollars from Organization: 123000, Account:

53370, Fund: 1000, Sub: 100, Automotive Parts, to Organization: 121000, Index: 112805, Account: 525500, Fund: 1000, Sub: 150, Miscellaneous Services, Department of General Services. (PRESENTED BY MR. HERTZBERG).

Which was read.

Also,

Bill No. 2440:

Resolution providing for the issuance of a warrant in favor of Premier Safety Service in the amount of Fifty Four Thousand Two Hundred Forty Two Dollars and Seventy Cents (\$54,242.70) for the purchase of turn out gear, Bureau of Fire, Department of Public Safety. (PRESENTED BY MR. COHEN)

Which was read.

Also,

Bill No. 2441:

Resolution authorizing issuance of a warrant in the amount of \$53,500.00 in favor of Braddock Hills Construction, 620 Fourth St, Braddock PA 15104 in payment of contract for demolition and removal of a 3 story brick and marble veneer commercial building located at 14-16 West North Avenue, Ward 22, without previous authority of law and providing for the payment thereof. (PRESENTED BY MR. COHEN)

Which was read.

Also,

Bill No. 2442:

Resolution providing for the transfer of \$3,276.58 from the Swimming Pools Maintenance Trust Fund, Index 254334, Account 581140, Fund 2860, Subclass 600, Organization 522000, Budget Yr. 1997, to the Public Safety-Police School Guards, Index 144402, Account 491120, Fund 1000, Subclass 010, Organization 231700, Budget Yr. 1997. (PRESENTED BY MR. CUSICK)

Which was read.

Also,

Bill No. 2454:

Resolution providing for the transfer of the amount of Twenty Thousand Dollars (\$20,000.00) from Code Account No. 1060, Salaries-Regular Employees, Index Code 106005, Account 511000, Fund 1000, Organization 107000, Sub-Class 010, Budget Year 1997; Five Thousand Dollars (\$5,000.00) to Code Account No. 1061-1 Premium Pay, Index Code 106112, Account 516000, Fund 1000, Organization 107000, Sub-Class 020, Budget Year 1997; and Fifteen Thousand Dollars (\$15,000.00) to Code Account No. 1063-1 Education and Training, Index Code 106310, Account 564400, Fund 1000, Sub-Class 030, Budget Year 1997. All Code Accounts within the Department of Finance.

Which was read.

Also,

Bill No. 2457:

Resolution providing for conveyance by the City of Pittsburgh of certain property under Act No. 171 of

1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984".

(A) Lot 44 x 98.75, 1402 Columbus Avenue, 21<sup>st</sup> Ward, Block 22F, Lot 250 & 252, being sold to Melvin Marie Williams, \$1,800.00. Intended use: Personal residence. Council District 6.

Which was read.

**The Chair:**

You have heard the reading and title of the bills. Any discussion? Hearing none, bills are now ready for final vote. All in favor of the passage of the bills vote aye when your names are called, if opposed vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

All of the bills having received the legally required number of votes have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2533:

Report of Committee on Planning, Zoning

and Land Use for October 22, 1997 transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2451:

Resolution providing for an agreement or agreements with a consultant or consultants to conduct parking studies to determine if selected Pittsburgh residential neighborhoods meet the impaction criteria as specified in the Residential Parking Permit Program Ordinance, chapter 594.04, in order to qualify for designation, at a cost not to exceed \$15,000, chargeable to and payable from Account 526100, Index Code 110304, Fund 1000, Organization 110230, Budget Year 1997.

Which was read.

Also,

Bill No. 2452:

Resolution providing for an Agreement or Agreements with Frederic R. Harris, Inc., a consultant, for the purpose of providing transportation planning/engineering, land use planning and urban design services to conduct a transportation, land use and urban design study of the West Carson Street Corridor, from First Street to the McKees Rocks border, at a cost not to exceed \$75,000, chargeable to and payable from Account 500000, Fund 5100, Organization 110000, Budget Year 1997.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Hertzberg:**

On Bill No. 2452 regarding the West Carson Street Corridor study, first I would ask our stenographer to bring my comments forward from last Wednesday's meeting. I would again like to go on the record thanking the City departments that have participated in the process the long process already involved with this West Carson Street study. That's primarily our department of engineering and construction and our planning department. I wish them luck with this.

We have interjected into the whole topic the possibility of the airport bus way and the Wabash tunnel going onto West Carson Street. That proposal is something that I find completely unacceptable for a number of reasons and just briefly I reiterate those reasons. In fact, a study was just completed by engineering as well as Port Authority, which indicated that a thousand more buses will go on West Carson Street for inbound traffic. There will still be a major savings achieved, but for out bound traffic, its going to be minimal savings. I think that study itself ignores the impact on everyone else. The study is only focused on what will happen to buses. They are forgetting about all the other vehicles. They are forgetting about the heart of Council District 2 that has to commute to and from downtown Pittsburgh and anywhere else that is going to be impacted by this bus way. I just cannot see doing this. I can't see spending \$327 million to achieve the minimal

impact particularly who on the out bound trips.

The other major impact is going to be the Wabash Street tunnel. Without getting off of West Carson Street that tunnel may as well not even be done. The money that was spent on it would be a total waste if we are going to bring traffic out of the Wabash Street tunnel and down onto Carson Street to further congest the intersection of West Carson and the Smith Field Street Bridge.

I am very hopeful though that that is only a temporary recovery plan. I think if the locally elected officials will all get on the same page, we can get this bus way back off of West Carson Street on to the shelf and put this project back where it is supposed to be.

I am keeping my fingers crossed. There have been recent developments that I am optimistic that we can focus on West Carson Street and not have to worry about new buses being dump on.

(See Addendum for Comments)

**Mr. Cusick:**

On this issue and a much broader one, I think that -- first of all I would like to thank Councilman Hertzberg for your leadership on the different number of things going on whether it be on south 51, West Carson, and the whole traffic configuration of south and the west. I think you have represented us well in -- people well not only in Council District 2 but of 4 too.

We right now are in period that we need to continue to move forward and

recognize that South Hills has a number of traffic problems and the reconfiguration of all that is so important and that we just don't keep focused on the bus routing that people do like to drive into town. They need to continue to have that access into town and we keep that a priority also. I thank you for that, Councilman Hertzberg.

**Mr. Cohen:**

We clearly need a comprehensive look at West Carson Street and the entire traffic corridor into the West End. I want to congratulate Councilman Hertzberg for taking the lead on this. He is being modest, but he has really brought a lot of segments of the community together to be able to study this and make a comprehensive decision and a decision that will clearly effect the West End into the next century. I thank him for that.

Also, it will help in terms of upgrading the infrastructure along the West Carson Street corridor including the decorative railing, which clearly needs to be upgraded. I support this whole heartedly.

**The Chair:**

Other discussion?

Hearing none, if you are in favor of the bills vote aye when your names are called, if opposed vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen

Mr. Cusick

Mr. Hertzberg  
Mr. O'Connor  
Mr. Ricciardi

Ms. McDonald  
Mr. Onorato  
Mr. Udin  
Mr. Ferlo  
(Pres't)

**AYES Nine NOES None**

The bills having received the legally required number of votes are approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2534:

Report of Committee Housing Economic and promotion for October 22, 1997 transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2443:

Resolution amending Section 3 of Resolution No. 151 of 1997 amending Resolution No. 417 of 1994 (which is providing for acquisition from CSX Transportation, Inc., of certain property located in the 6<sup>th</sup> and 9<sup>th</sup> Wards of the City of Pittsburgh for park purposes and providing for the payment of the cost thereof) to authorize a Cooperative Agreement with Urban Redevelopment Authority of Pittsburgh as the City's agent to provide for professional services that will advance riverfront park and trail development through the exploration of alternative funding strategies and design solutions, by decreasing the amount from \$23,769.84 to \$15,786.00. (PRESENTED

BY MS. MCDONALD AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 2444:

Resolution approving Execution of a Contract For Disposition of Land By and Between the Urban Redevelopment Authority of Pittsburgh and Crawford Square Apartments III, L.P. for the sale of Parcels 14, 65, 65A, 134 and 136 (Block 2C Lots 154, 154A, 156, Block 2D Lots 150, 150A, 303-311, Block 9S Lots 349 - 358, Block 11A Lots 60 - 66) in the Third Ward of the City of Pittsburgh in Redevelopment Areas No. 31 and No. 32, 1522-1526 Webster Avenue, 1800-1818 Centre Avenue, 70-82 Roberts Street and 8-16 Heldman Street, Council District No. 6 (residential construction). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 2445:

Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the Sale of the following properties in the 21st Ward of the City of Pittsburgh, in Redevelopment Area No. 27, Council District No. 6 (Residential Rehabilitation and Rearyard). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG)



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Property Address

Block/Lot

Purchase Price

1320 Liverpool St  
22-K-379  
\$1,000.00+costs

1415 Fulton St.  
22-P-41  
\$ 550.00

1417 Fulton St.  
22-P-42  
\$ 550.00

1303 Liverpool St.  
22-P-44  
\$1,000.00+costs

1305 Liverpool St.  
22-P-45  
\$1,000.00+costs

Which was read.

Also,

Bill No. 2446:

Resolution Approving Execution  
of a Contract for Disposition by Sale of  
Land by and between the Urban  
Redevelopment Authority of Pittsburgh  
and Manchester Housing Partnership L.P. I  
for the Sale of Block and Lot 22-E-304,  
1429 Nixon Street, 21st Ward of the City  
of Pittsburgh, in Redevelopment Area No.  
27, Council District No. 6 (Sideyard):  
(PRESENTED BY MS. MCDONALD  
AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 2447:

Resolution approving Execution of  
a Contract for Disposition by Sale of Land  
by and between the Urban Redevelopment  
Authority of Pittsburgh and Manchester  
Housing Partnership L.P. III for the Sale of  
the following properties in the 21st Ward  
of the City of Pittsburgh, in  
Redevelopment Area No. 27, Council  
District No. 6 (Residential Rehabilitation  
and Parking). (PRESENTED BY MS.  
MCDONALD AND MR. HERTZBERG)

Property Address

Block/Lot

Purchase Price

1429 Sheffield St  
7-B-390  
\$1,000.00+Costs

1433 Sheffield St  
7-B-392  
\$1.00+Costs

1432 Nixon St  
22-E-332  
\$1,000.00+Costs

1529 Sedgwick St  
22-L-141  
\$1,000.00+Costs

1208 Liverpool St  
22-L-242  
\$2,100.00+Costs

1237 Liverpool St  
22-R-3  
\$1,000.00+Costs  
1235 Liverpool St  
22-R-4  
\$1,000.00+Costs

1113 Sheffield St  
22-R-202  
\$1,000.00+Costs

Which was read.

Also,

Bill No. 2448:

Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Jerome Williams for the Sale of Block 26-E Lot 165 in the 6th Ward of the City of Pittsburgh - 1120 Herron Avenue - Sideyard. (Council District No. 7) (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG)

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, the bills are ready for final action. When your names are called vote aye if you are in favor, if opposed, vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen  
Mr. Hertzberg  
Mr. O'Connor  
Mr. Ricciardi

Mr. Cusick  
Ms. McDonald  
Mr. Onorato  
Mr. Udin  
Mr. Ferlo  
(Pres't)

**AYES Nine NOES None**

All of the bills having received the legally required number of votes have been approved finally.

**MR. O'CONNOR PRESENTED:**

Bill No. 2536.

Report of Committee on Engineering and Construction for October 22, 1997 transmitting a resolution to council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2449:

Resolution providing for a Contract or Contracts, or use of existing Contracts, for Plumbing and Electrical Services in connection with the construction of a Concession Stand at Sullivan Field (Council District No.7); and providing for the payment of the cost thereof, not to exceed \$20,700, chargeable to and payable from Account 6000, Fund 2610, Organization 301000, Project/Grant 2249405, Budget Year 1997, (\$5,000 from Subclass C1995, and \$15,700 from Subclass C1997)

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hopefully not since it's already half built. All in favor please vote aye when your names are called, if opposed, vote no.

The ayes and noes were taken

agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

The bill having received the legal number of votes has been approved finally.

**MR. HERTZBERG PRESENTED:**

Bill No. 2535:

Report of Committee on Lands, Buildings and Procurement for October 22, 1997 transmitting a resolution to the Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No.2415:

Resolution providing for a contract or contracts or the use of existing contract (s) for the purchase of vehicle fleet and energy management software, training, maintenance and related equipment and providing for the payment thereof, at a cost not to exceed Ninety Thousand (\$90,000.00) Dollars.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, the bill is now ready for final action.

If you are in favor of the bill, vote aye when your names are called. If opposed, vote no. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**(Mr. Onorato was opposed.)**

**AYES Eight NOES One**

The bill having received the legally required number of votes is approved finally.

**The Chair:**

That concludes our reports of committees.

Under motions and resolutions any matter to be brought before the body?

Hearing none, I want to remind our colleagues we have a post agenda immediately following this meeting, which I believe will be cable cast.

I want to remind our colleagues that we are going to reschedule our Legislative Meeting of City Council next week from Tuesday, November 4, rather we will meet Monday, November 3 at 2:00 p.m. given the election schedule. We will also reschedule the Standing Committee Meetings of Council from Wednesday, November 5, instead we will meet

Thursday, November 6 at 10:00 a.m. in light of the general election schedule next week. Any other matter?

**Mr. Onorato:**

Public Hearing tonight Allegheny Middle School on the zoning code at 6:30.

**The Chair:**

We have a public hearing this evening regarding the zoning code adoption and we invite the public to participate at 6:30 this evening at Allegheny Middle School. If you want to speak, please call the City Clerk at 255-2138.

legislation session now stands adjourned. Thank you.

#### **ADDENDUM**

**Councilman Hertzberg's**  
**comments on Bill No. 2452 can be found**  
**in the Standing Committees Meeting**  
**minutes of October 22, 1997.**

Hearing no other matter before the body, we will move quickly to the post agenda meeting. At this time this

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*VOL. CXXXI*

*November 3, 1997*

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Monday, November 3, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good afternoon everyone. Will you now please rise for the pledge of allegiance and please remain standing for a moment of silent prayer, so we may have peace throughout the world? We are pleased to have a student representative here today from the University of Pittsburgh, Melanie Irwin. Melanie is a pre-law student and communications major. She is from Councilman O'Connor's district and she is going to lead us in the pledge of allegiance.

#### Melanie Irwin:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

#### The Chair:

Thank you. Thank you Melanie. It is not often that we have a college student in here. Welcome to chambers.

#### Mr. Udin:

Mr. Ames Coney here? Please join us up front. If you brought anyone with you, feel free to bring them.

Colleagues this week marks the 30th anniversary of a group that started in the Hill District and was the origin and foundation of our current Emergency Medical Services System. As you know our Ambulance Service System has served as a model for ambulance services across the country, many cities have picked up the model that Pittsburgh created.

It all got started with a group called Freedom House, who was an African American non-profit organization located in the Hill District 30 years ago.

So given that, this weekend is the celebration of their 30th anniversary, a historical marker will be unveiled this weekend as well. So this resolution

acknowledges the 30th anniversary of that organization.

I am going to ask Mr. Ames Coney who is a former board member of Freedom House to accept this resolution after it is read on behalf of the board.

**MR. UDIN AND MS. MCDONALD PRESENT:**

No. 2537 WHEREAS, on Friday, November 7, 1997 the Freedom House Ambulance Service will celebrate its 30<sup>th</sup> anniversary with a banquet at the Senator John Heinz Regional History Center and on Saturday, November 8, 1997, a historic marker will be unveiled commemorating the inauguration of the county's first Black ambulance service; and

WHEREAS, Freedom House Ambulance Service was founded in 1967 by Freedom House Enterprises, Inc. to serve the Hill District community at a time when no such service existed; and

WHEREAS, Freedom House Enterprises, Inc. was an African-American owned and controlled business; and

WHEREAS, Freedom House Ambulance Service was formed to demonstrate that economic and social injustice can be overcome; and

WHEREAS, Freedom House Ambulance Service together with the University of Pittsburgh played a significant role in the development of training for emergency medical personnel; and

WHEREAS, the training provided by Freedom House Ambulance Service

provided a lifetime of opportunity for its participants; and

WHEREAS, Freedom House Ambulance Service became a national model for Emergency Medical training and operations; and

WHEREAS, Freedom House Ambulance served as a successful OEO anti-poverty program and was also funded by local and national foundations.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares November 7 - 8 1997 to be Freedom House Ambulance Service Reunion and Community Celebration Weekend.

MR. UDIN moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

Mr. Coney:

With the leave of the President may I read into the record the names of the surviving members of the Freedom House Ambulance Service Board of Directors. Thank you. Harvey Adams, Herbert Bean, Ames Coney, myself, John Conley, John Condoff, Reverend Charles C. Kirkland, Steven Lenhart, John R. Nelson, Fred Rock, Elizabeth Shoyer, Hubert Smith, Christine Washington, Paul Williams, James O'Wilson, Mary Gloster.

I would also like to note that the first President of the Freedom House was the late James McCoy. More of the group would like to be here, we apologize. We understood that the ceremony was on

Wednesday morning. I would like to point out I was just a bit player in this. The principles were Mr. McCoy and many of the others whose names I read.

We hope that all of you will be able to take part in the celebration, which starts at 3:00 on Friday afternoon and which continues until about noon on Saturday morning.

Freedom House is honored by this presentation and we thank the Council.

**The Chair:**

Thank you. I would like the record to reflect also that our late Councilman Robert Ray Stone of the South Side put a historical perspective on this. Maybe you will remember also at the close of the funding for model cities and groups for Freedom House Ambulance, it was Bob Stone who actually first came up with the idea of using Federal CETA funding in order to sustain and maintain and assume Freedom House as not just for a non-profit, but as a City run Bureau of Emergency Medical Services and with the support of Mayor Caliguiri at the time. It was actually Bob Stone who first came up with the idea of using the Federal CETA funds. As you know that is why some of our older paramedics first started with the City as CETA workers and were grandfathered in as full-time and full fledge city employees mainly from members of Professional Association of Paramedics.

I had one small part of as model city's commissioner in the 70's elected from the Oakland community. I did vote consistently for money for Freedom House. But a lot of other obviously strong

community activists it's a great service and its quite a great history that hopefully someone will write up at some point. I applaud the initiative and for Councilman to bring the proclamation into today.

**Mr. Cohen:**

I want to commend Councilman Udin for bringing this forward. The Freedom House is a just trail blazing organization not just in Pittsburgh, but nationally. I also just to take a moment to acknowledge my former colleague Joe Coney and thank you for coming down here.

**Mr. Coney:**

I can also confirm that Council gave a steady support during the trying years and the early 1970's and I personally recall Councilman Stones help.

**The Chair:**

Members of Council, I don't know if the following proclamation will get support or if it is going to spark a controversy. It is not the stadium; it is honoring Bill Urbanic I would ask Bill to come forward. I would like to have his boss, Councilman Cusick to come up also to say a few words.

Members of Council we have a great friend and colleague who I guess you would say he is retiring. I don't know if that's the best word. He is getting kicked over to the other part of Grant Street over at the county and that's a good friend and colleague, Bill Urbanic. We would like to read the following resolution with special honorary mention of Dori Lang from Councilman Onorato's office who helped

to draft the following proclamation. It's serious. There is no tongue and cheek. It shows the true reflection of appreciation we have.

**THE CHAIR AND ALL COUNCIL MEMBERS PRESENT:**

No. 2538 WHEREAS,

B is for Bill Urbanic;  
I is for the idealistic view we hope he never loses;  
L is for the legislation drafted with diligence and care;  
L is for the luck we've had in working with Bill;

U is for the understanding that Bill has shown his numerous constituents over the years;

R is for the readiness to help his co-workers with computer graphics;

B is for bringing stability to the 5<sup>th</sup> floor;

A is for addressing important and sometimes controversial issues;

N is for his never-ending commitment to his job;

I is for the insight that he has displayed through the years;

C is for the community group meetings Bill just couldn't miss.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend Bill Urbanic for his eight years of service to City Council and the residents of the City of Pittsburgh.

BE IT FURTHER RESOLVED that Monday, November 3, 1997 is hereby proclaimed Bill Urbanic Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

**The Chair:**

We will give this to Bill officially and he begins administrative duties today with Commissioner Dawida. We applaud him and his family and we wish them luck in their new role and function. He hasn't left government. He has got a lot of good years of hard work obviously to put in. I am sure some of my colleagues may want to say a few words. But Bill has been a great friend, somebody who has been helpful to an awful lot of people in the City of Pittsburgh day in and day out providing constituents and he is the good side of City government. The side of City government that cares about people and really wants to see government make things better for people and families. We applaud Bill for over eight years of work here on the fifth floor and having served with Councilwoman Michelle Madoff, Councilman Cusick and actually probably having with all the colleagues including Councilwoman McDonald because he has worked on legislation that we all have come to support through leadership, Councilman Cusick and his office.

We want to say a temporarily, not necessarily a good-bye, but so long for now, probably see you at the next mass meeting or next community meeting. We wish you well in your new governmental assignment at the county. God knows they could use your tenure and good sage wisdom. We all applaud you.



**Mr. Cusick:**

I think I was very honored to have Bill work on my staff. I think Bill has been very unlucky in a number of years first with Councilwoman Madoff and then being blessed with me. But Bill has been somebody that I think has truly changed the face of City government, City way of living. Bill needs something different. I think he is the best. I think he's one of the most intelligent people I have ever met, loyalty, and go through the last four years with the hell that I have put him through. I think that is the true definition of loyalty and love. No matter what was going on in my life or others lives around, Bill was there. To me that means Bill. Eight years I got to know Bill when I was on staff with Councilman Coyne. Bill has continued to do the same work that he has since the day he got here. That was doing the very best for the Council person that he worked for, helping other council members in their every day troubles or every day work and helping their staff and continuing that on the outside and also having enough time to spend with his family.

I think the true definition of Bill is wrapped up all in the City of Pittsburgh because that's where Bill's heart is. I think the lucky ones here today are the County of Allegheny because now Bill will be able to bloom and to share that intelligence, that love, and that loyalty with all of them.

I personally want to thank you. I think this Council and the Council staff share the greatest amount of respect, love, and loyalty for you, Bill. Thank you.

**Mr. Udin:**

I just want to underscore the

stability that you brought to the staff and Council colleagues on the fifth floor. I have never heard no matter how controversial the issue was being discussed, I have never heard you say a negative thing about anybody on the fifth floor. That's not true for most of us on the fifth floor. You have been kind of glue holding us all together. Although staff members of the various Council offices may not get an opportunity to publicly acknowledge you in this setting right here, I am sure that they appreciate your history and your generosity with the information or whatever it is that you have that you are always forthcoming. So on behalf of the staff of all the Council offices, I also want to congratulate you and thank you and we will miss you very much.

**Mr. Cohen:**

Bill, I don't know what it is going to be like without you here. I think you and I came here at about the same time, which was January of 1990. I just have the greatest respect for you. I wish you the very best of luck. When Bill came here, he worked for Michelle Madoff and it was important to me that Bill worked for Councilwoman Madoff because when Michelle wasn't talking to me, Bill was my only channel. When Michelle was talking to me, Bill was my only real channel.

In many ways, you worked for the entire Council. You always would provide answers for us because you would always have those answers and you also provided this Council not only with the resources that you have at your disposal, tremendous talents, but also some levity here that you always have a good joke or bring us altogether for a baseball game, whatever it was and we are going to miss

you. I am going to miss you, and I wish you the best of luck.

**Ms. McDonald:**

I will too Bill because you are the one person that understands my Mac. Nobody else on this floor appreciates it like you do. You appreciate with a lot of ferber so I am going to miss that. I don't know what I am going to do. I got a Mac because I did have a Mac at home. I don't have a Mac at home right now, in fact I have nothing. But one day, one day hopefully I will get another one.

I will miss you because you do provide stability and cool headedness and no matter what, you are willing to give your honest opinion without being political or controversial just trying to move this legislative body in the right direction. I appreciate that and I am sure that the county, with our loss, they have made a gain. I will miss you.

**Mr. Hertzberg:**

I want to wish you a lot of luck, Bill. I remember when I first took office actually right before I took office the transition from your former boss to my tenure on Council was made very smooth by your ability to forget anything that had been hurled around during the campaign and focus on Council District 2 and get me informed on everything that your office had been involved in. It worked for the benefit of the constituents. I appreciate you having done that and I appreciate all the community work you do in District 2 in Duquesne Heights, Mount Washington area. I hope you don't stop. I am sure you won't. And for all the exceptionally good work you have done on Council, all the

legislation you have either authored or amended or assisted in, we appreciate and of course its logged in the record books here. I am hopeful over at the county you can keep up the relations between us and the county. I know it seems like it never quite stabilized, so keep our fingers crossed maybe you can do that. Good luck.

**Mr. Onorato:**

I am not going to repeat everything, Bill, that you heard here. I do want to say one thing and that is one thing that we can all relate to here the only thing that we have here we always say is our name and our word. I think it speaks volumes of you that you can leave after eight years and have nine independent elected individuals here, that I think speaking for all of us here, your leaving here with a great name and your integrity entirely intact. If I ever had an opening or anyone has an opening here it would be -- we would be lucky to have someone like you. To survive that many years and we all know you and many other people definitely get tested on your integrity, you have come through with shining colors every time. You should be applauded for that. I think that speaks volumes of you. Good luck.

**Mr. O'Connor:**

I am sorry we didn't bring all the staff members down. I know mine are here and a few came out to show all the respect everyone on this floor has for you and your hard work. I think Joe said it very well, there are tough times that you were very very loyal and I respect that. I think you did a heck of a job for people in your district and also the City. You were

always willing, I think people don't realize, behind the scene how hard it is to put legislation through and the debates that go on in our offices and your always leading the charge there always up front with everyone and even if you don't like something, you are willing to tell us how you can help change it. I think the city is losing a good person, but maybe the big picture the county may need you more. We all wish you luck and thanks for all your help.

**Mr. Ricciardi:**

Thank you very much. Bill, I would like echo the settlements of all of my colleagues. We are going to greatly miss your intelligence and majority here on City Council. Fortunately you're staying in Public Service, and I think that is definitely a true calling for you. With you over at the county I know the grass will finally be cut in South Park and bring some professionalism to that entire structure over there which is lacking and they are very fortunate to have you, Bill. Thank you.

**Mr. Cusick:**

Just real quickly, I think that we would be remiss if we did not mention and thank Bill's family, his wife Wendy, his son BJ and his daughter Becky for sharing Bill with us. Thank you.

**The Chair:**

We want to wish Bill and his family all the best.

**The Chair:**

Bill, would you like say a few

words. We were so taken back, we forgot.

**Mr. Urbanic:**

I just want to say thank you. I just want to thank you all for this. I don't know if I deserve all the kind words. You made it a great eight years each and everyone of you. Not just the members here, but all the staff, the support staff and clerks office the couple you see up here, John, Bee, I am going to miss you guys a lot, Kurt, everyone here. Everyone has been great. Thank you.

**The Chair:**

I believe that concludes all of our proclamations. Moving to presentation of papers.

**MR. HERTZBERG PRESENTS:**

No. 2539 Resolution Providing for a Contract or Contracts, or use of existing contracts or agreement or agreements for the renovation of the Spring Hill Fire Station No. 53 located at Homer and Damas and for the purchase of materials, supplies and equipment or services for said project, and providing for the payment of the costs thereof, not to exceed \$20,888.00, chargeable to and payable from the following Account Codes Spring Hill Firehouse renovations: Amount: \$2,000.00, Account: 500000, Fund: 2610, Org.: 120000, Sub Class: C1995, Project/Grant: 2220011, Budget Year: 1997; Amount: \$16,888.00, Account: 500000, Fund: 2610, Org.: 120000, Sub Class: C1994, Project/Grant: 222011, Budget Year: 1997; Amount: \$2,000., Account: 5000000, Fund: 2610, Org.: 120000, Sub Class: C1993, Project/Grant: 2220011, Budget Year: 1997.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

**MS. MCDONALD PRESENTS:**

No. 2540 Resolution Authorizing the Urban Redevelopment Authority of Pittsburgh to Acquire all of the City's Right, Title, and Interest, if any, in and to the Publicly-Owned Property in the 18<sup>th</sup> Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 4-H, Part of Lot 77, and Block 4-M, Lot 147, under the Residential Land Reserve Fund (Council District No. 2 - 49 Bailey Avenue - Residential Construction).

No. 2541 Resolution Approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Kirk Development Company II for the Sale of Block 4-H, Part of Lot 77, and Block 4-M, Lot 147, in the 18<sup>th</sup> Ward of the City of Pittsburgh (Council District No. 2 - 49 Bailey Avenue - Residential Construction).

No. 2542 Resolution Authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Ansonia Place project and providing for the payment of the cost thereof (Council District No. 4).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. ONORATO PRESENTS:**

No. 2543 Resolution Amending Resolution 587 approved July 18, 1995 entitled "Amending Resolution No. 668, approved July 9, 1990 entitled providing for implementation of a Residential Parking Permit Program (RPPP) Area "R" in the Bloomfield community pursuant to Pittsburgh Code Chapter 549." So as to amend the streets included in Area "R".

No. 2544 Resolution Amending Resolution No. 934, approved September 18, 1992 entitled "Providing for implementation of a Residential Parking Permit Program (RPPP) Area "T" in the Beechview community pursuant to Pittsburgh Code Chapter 549" so as to amend the streets in Area "T".

Which were read and referred to the Committee on Planning, Zoning and Land Use.

**The Chair:**

That concludes our presentation of papers. Moving to matters of unfinished business or reports of special committees, which I don't have an agenda here. Anything to be brought before the body? If not, moving to Reports of Committees.

**REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2545:

Report on Committee of Finance and Budget for October 29, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2455.

Resolution further amending and supplementing Resolution No. 498, effective August 11, 1997, entitled, "Making Appropriations to pay the expenses of conducting the Public Business of the City of Pittsburgh and for meeting the debt charges thereof for the Fiscal Year beginning January 1, 1997," by making certain corrections.

Which was read.

Also,

Bill No. 2477:

Resolution providing for the issuance of a warrant in favor of the United States Department of Justice in the amount of \$20,894.55 for reimbursement of unobligated federal grant funding for the DMAP project chargeable to and payable from Code Account DMAP, Index Code 251439, Fund 2431, Subclass 600, Account 585000, Org. 231100, Bureau of Police, Department of Public Safety.

Which was read.

Also,

Bill No. 2484:

An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 163, Claims Settlement, Section 163.01, Referral to Department of Law, Section 163.02, Approval Procedure; Quarterly Report to Council; Subsection (a) and Section 163.03, Authority of Solicitor or Council to Settle, by increasing the Solicitor's authority for

settlement of claims not exceeding \$750 to claims not exceeding \$2,500.

Which was read.

Also,

Bill No. 2485:

Resolution providing for the issuance of a warrant in the sum of \$35,000.00 to Patricia Cross and John T. Brady c/o James D. Beliveau, Edgar Snyder & Associates, in full and final settlement of the action filed at GD94-00419 for an auto accident at the intersection of Elbon and Neidel Streets, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2486:

Resolution providing for the issuance of a warrant in the sum of \$10,000.00 to Mary Clark c/o Mark E. Milsop, Esquire, Evans, Portnoy & Quinn, in full and final settlement of the action filed at GD83-9216 for a slip and fall on a sidewalk at 2200 Centre Avenue, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2487:

Resolution providing for the issuance of a warrant in the sum of \$820.00 to Margaret & William Burke, in

settlement of a claim in which their vehicle was damaged by a fallen City tree on July 1, 1997, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2488:

Resolution providing for the issuance of a warrant in the sum of \$768.00 in favor of Ernest J. Frederick in settlement of a claim which his sidewalk was damaged by City tree roots, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2489:

Resolution providing for the issuance of a warrant in the sum of \$880.00 in favor of Russell Kopf in settlement of a claim in which his sidewalk was damaged due to City tree roots, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2490:

Resolution providing for the issuance of a warrant in the sum of \$862.75 in favor of Alamo Rent A Car in settlement for an incident in which a rented vehicle driven by a City employee

was involved in an accident, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2491:

Resolution providing for the issuance of a warrant in the sum of \$1,0004.00 in favor of Charles Johnson in settlement of a claim for sidewalk damage due to tree roots, charging the same to Code Account 46.

Which was read.

Also,

Bill No. 2492:

Resolution providing for the issuance of a warrant in the sum of \$822.50 in favor of Joe Pippi in settlement for an incident in which the right side of claimant's vehicle was damaged due to an accident with a fire truck, charging the same to Code Account 46.

Which was read.

Also,

Bill No. 2493:

Resolution providing for the issuance of a warrant in the sum of \$1,700.00 in favor of James Sherer in settlement of a claim for damage to claimant's sidewalk due to City tree roots, charging the same to Code Account 46.

Which was read.

Also,

Bill No. 2494:

Resolution authorizing the Mayor and the City Solicitor to enter into an agreement for the hiring of counsel and consultants to assist in the representation of the City for outside legal counsel and consultants at a cost not to exceed \$100,000.00, chargeable and payable from Code Account 1075, Miscellaneous Services, Department of Law.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Ricciardi:**

Colleagues, just a general comment or opinion regarding our settlement cases. I am still not confident that this administration or especially the previous administration has anything in place regarding when a report is filed which something needs to be corrected that it is either fast tracked or even a process. Everyone recalls when a foreman of public works reported a pothole on that one back alleyway. A woman ended up falling, I believe it cost us \$10, \$20,000 because the foreman rightfully reported it but nothing was done. I believe on another case one today is that concerning the stop sign, Mr. Ferlo, where a police officer makes a report regarding a stop sign and then obviously nothing occurs some one tragically gets hurt and we are liable.

I don't think it needs to be done through legislation, I don't think the

President or one of you or myself needs to present legislation where we force the administration to set up a process. I believe, Mr. President, the administration should have some sort of process when something like this is made either by public works or a police officer, it should be faxed to a number of departments. It should have a special heading on it. Maybe urgency, maybe even a different color of paper which will go through the interoffice or maybe even some sort of flag on it. But not only are we paying out these settlements but more importantly people are at risk of being severely hurt.

I am throwing this out for an opinion. I just hope the administration is listening. If it needs legislation that we have to put in place, fine. But that's all bureaucracy, its all paper work, it's almost fluff, its almost a public relations type of position. We don't need to do that. I just wish this administration would learn that when a report is filed that someone should be reading those reports. It should go to the proper department and it should be acted on immediately. Maybe others have an opinion on this. Thank you.

**The Chair:**

Obviously, I agree. We spoke at length, and the discussion at the table last week I raised a number of issues similar to Mr. Ricciardi's points. I think there should be an early warning system. I think there should be some individual that gets the red flag memos either from the EOC, 911 operation when some one calls in there for stop sign down or bad hill slide or whatever it may be. Information comes to public works as Councilman Onorato pointed this is the case last week on this payment where the police officer properly

wrote down on the reports that the traffic signalization was down probably it sat somewhere on police report on commanders desk or God knows where.

Unfortunately, the law department hears about these situations at the final stages and need to despite their best effort it is not going to impact the change of behavior. The administration -- that's why I am abstaining on this bill today. I am tired of voting for these claims however justified until the system is in place. It is not happening. This needs to be a director of the directors. In that case, I think it's the Deputy Mayor and he needs to take control and get some kind of system together. I think what is happening, unfortunately I think it's a double edge sword.

The law department doesn't want the information to go to 911 EOC because then its on tape and there is formal record and that is something they fear that if its on the record then we also have notification and are put on notice. If it doesn't happen, maybe they fear we are going to have more lawsuits. But, somewhere, somehow through some and they maybe correct on that point, but at some basis or some level either through EOC operation, I don't see why that can't be the thing that everyone uses since its records its taped, we have supervisors there, we have professional staff that know how to field the calls. These are calls that would not immediately go to dispatching an officer unlike a domestic or a shooting, these would be immediately dispatching a public works crew to put a stop sign back up. Its different issue but it could have just as much life and death impact.

So, I am abstaining today on this Bill 2485. Not because I don't believe

there are injured parties, but I would like to see still some more discussion about what system needs to be put into place. I don't see how it's happening. I have been here ten years. We keep paying out claims and I think its wrong. Unfortunately we are not just talking money here. We are talking about human life, human limb and individuals and families that could possibly be devastated through the loss of a loved one or loss of the ability to earn income for the rest of their lives due to tragic death accidents. We are talking about very serious issue that unfortunately is not being dealt with seriously by any administration. I don't care if its Caliguiri, Masloff, or now this administration. There is not a proper response.

Any other discussion?

Hearing none, if you are in favor please voted aye when your name is called. If opposed, vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	

**(Mr. Ferlo abstained to Bill 2485)**

**The Chair:**

Thank you very much. That concludes our committee on finance and budget.

**MR. RICCIARDI PRESENTED:**



Bill No. 2546:

Report of Committee on Public Works, Water and Environmental Services for October 29, 1997 transmitting a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2521:

Resolution transferring the amount of \$3,000.00 from Miscellaneous Services, Fund 1000, Sub Class 150, budget year 1997, to Materials, Fund 1000, Sub Class 110, budget year 1997. Both within the Department of Public Works, Org., Code 422000. (SPONSORED BY MR. RICCIARDI, MR. COHEN AND MS. MCDONALD).

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Cohen:**

This is one of two companion bills we have with respect to Operation Red. I wonder if we could if we could just discuss it?

**The Chair:**

Yes. I thought you said bring the other bill up? That is too confusing.

**Mr. Cohen:**

No. Can we discuss them together now however. Before everybody should

be amendments that Councilwoman McDonald and I are proposing this morning. There are a number of amendments to Operation Red. I want to first of all thank members of Council for your suggestions, for your help, I think they have been very helpful. I think that these amendments strengthen the bill. If I could walk through them, does everybody have them in front of them?

The first one that is underlined it is a whereas clause says whereas the Operation Red program detailed in this legislation shall target the properties which have the most severe building code violations. That was suggested by Councilman Udin. Just to point out that most severe properties that this program will be going after.

On the second page, the next section underlined Section 5 saying the Chief of Bureau of Building Inspection shall provide information regarding property owners for whom a sign is posted to the director of Department of General Services for broadcast on the City's cable channel. This was a recommendation by President Ferlo to advertise the people who maintain these properties. The properties that are in terrible condition and falling apart so we are going to direct the head of our Cable Bureau to broadcast them on the City's cable channel.

The next one is Section 7, which makes it quite clear that this legislation applies to City owned properties as well as privately owned properties. It says properties owned by the City of Pittsburgh or any other governmental entity are not excluded from the enforcement of the sanctions prescribed in this legislation. The Bureau of Building Inspection does

cite the City for properties that have code violations and therefore this program should apply to them as well. Where almost done here.

The next one is Section 8 and under Section 8 these are really kind of Councilman Onorato's suggestions that there will be a six month period trial period in which signs shall be posted in each Council district. Even though this starts out as a pilot program, we want to make sure that signs are posted in every Council district so that it is a City wide project.

Also, the Chief of BBI will be asked to report to City Council after six months on the effectiveness of the program and also include whether or not these properties have been -- the violations on these properties have been corrected. So those are the amendments in the written legislation.

There is also an amendment to the funding source and that is to increase the funding from \$3,000 to \$5,000 that would enable us to do approximately 100 signs. If after the first six months the Chief of BBI says that this program has been successful, and we see that it has been successful, then he would be able to have more funds to be able to go after more property. So, I want to thank Councilwoman McDonald for introducing this with me and the other members who have made suggestions. These suggestions do not water down this legislation, they beef it up, they make it stronger. As everyone knows, in each Council district there are hundreds of properties that are falling apart that are broken down, and poorly maintained everything from roofs caving in to porches falling apart. You

have all seen these eye sores.

Many of the owners of these properties just refuse, out rights refuse, to take responsibility for them even after receiving numerous citations and refusing to appear in court. This legislation gives the City another tool in the battle to compel delinquent property owners to clean up their properties. It is the old fashion tool of shame. I believe that these amendments strengthen that tool to be used by the City.

So I know Councilwoman McDonald also has an amendment that she is proposing separately. I would ask her to do so at this time.

**Ms. McDonald:**

Procedurally I don't think I can get a motion to approve this amendment since this particular bill is not on the table, just the funding legislation. Is that correct or are we bringing both bills? What are we doing here?

**Mr. Cohen:**

What I thought, is if it is possible just to discuss them both together, it is up to the body and that's certainly what I did.

**The Chair:**

You can amend it now.

**MS. MCDONALD** moved to amend by adding another section, Section 11, which will read consideration maybe given to those individuals who are not the owners of the property subject to this ordinance but are lessees or renters of the property who have expressed their desire not to

have a sign posted on the property and I can discuss that amendment.

**MR. UDIN** seconded the motion.

**The Chair:**

You're amending the bill that is on the table now.

**Ms. McDonald:**

It is a friendly amendment.

This is in response to Councilman O'Connor's concern about people who are really victims, they are caught between a rock and a hard place. They only have a dilapidated property, one that is not up to building code, and now they have to read a sign in front of their property too, great. What do you do with these people who are basically victims? Even though the chief has said that this may not be, he doesn't want to create a free for all. In which landlord's will be given opportunities to put pressure on the their poor renters because they don't have anywhere else to go just so they don't have a sign posted in front of their property. That could be one of the negative outcomes with this.

So it was recommended to me to word it so consideration maybe given, not necessarily will be given, but maybe given. That's where the dialogue begins with the Council persons who know this area, who know the possibly the owners, the renters as well as Bureau of Building Inspection but it gives at least an out for the really truly hard case scenarios that may surface.

**The Chair:**

The most outrageous property probably does not have residential or

commercial tenants but Councilman Udin raised that point last week.

All in favor of the amendment.

Which motion prevailed.

**Mr. Cohen:**

I was just going to ask that they all be moved together I don't know if we just did that or not, Mr. Chair.

**The Chair:**

We just have to read the other finance bill. Which we will move to very quickly when we finish.

**Mr. Cohen:**

In other words, move it on. I just want to thank my colleagues for their suggestions, I also want to thank Vito Haney and Kurt Salac for getting this thing done.

**The Chair:**

Any other discussion on the Project Red?

**Mr. Onorato:**

Go get them — shame them.

**The Chair:**

Any other discussion? If your in favor of the bills including the amendment version of the operation red, please vote aye when your names are called, if opposed, please vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Seven      **NOES** None

**The Chair:**

Any other discussion? Hopefully not on that bill.

By the way, when we approved the final action on Bill 2455, under finance, we exited out any comments, reference, budgeted, figure, words inferences, possible suspicions, anything to do with the return to work program. So the bill we approved is only financing amounts in the City budget that have to do with the computer program and CIS or People Soft. There is no reference what so ever to the administration's proposed return to work program.

**MR. ONORATO PRESENTED:**

Bill No. 2547:

Report of Committee on Planning Zoning and Land Use for October 29, 1997 transmitting sundry of resolutions to Council.

Which was read, received, and filed.  
Also, with an affirmative recommendation.

Bill No. 2482:

Resolution authorizing a Cooperative Agreement with Urban Redevelopment Authority as the City's agent to provide for professional services that will advance riverfront park and trail development through the exploration of alternative funding strategies and design solutions at a cost not to exceed \$15,000.

Which was read.

Also,

Bill No. 2483:

Resolution authorizing the City Controller to create a trust fund for the depositing of funds from the Southwestern Pennsylvania Regional Planning Commissions (SPRPC).

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, role call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Ms. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Seven      **NOES** None  
The bills having received the legally required number of votes have been approved finally.

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**MS. MCDONALD PRESENTED:**

Bill No. 2548:

Report of Committee on Housing,  
Economic Development and Promotion  
for October 29, 1997 transmitting a  
resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2840:

Resolution approving execution of  
a Contract for Disposition of Land by and  
between the URA and The Rubinoff  
Company or a limited partnership to be  
formed for the sale of Parcel F-1 (part of  
B&L 29-J-8) in the 16<sup>th</sup> Ward, City of  
Pittsburgh, Redevelopment Area No. 55,  
Carson Street, District No. 3 (Construction  
of Distribution Facility) (PRESENTED  
BY MS. MCDONALD & MR.  
HERTZBERG).

Which was read

**The Chair:**

You have heard the reading and  
title of the bills, is there any discussion?  
Hearing none, role call vote.

The ayes and noes were taken  
agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin

(Mr. Ferlo abstained on Bill 2480.)

The bill having received the legally  
required number of votes, has been  
approved finally.

**MR. COHEN PRESENTED:**

Bill No. 2549.

Report of committee on Public Safety  
Services for October 29, 1997,  
transmitting a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2481:

Resolution granting the Bureau of  
Building Inspection the power to post  
signs on public rights of way outside  
properties in violation of the City Building  
Code. (SPONSORED BY MR.  
COHEN)

Which was read

**The Chair:**

You have heard the reading and  
title of the bills, any discussion? Hearing  
none, role call vote.

The ayes and noes were taken  
agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES**    Seven        **NOES**    None

The bills having received the legally required number of votes, has been approved finally.

**The Chair:**

I don't want my grandkids leaving the City. Any other discussion on any other bill under Reports of Committee?

Under motions and resolution other than to get out and vote often tomorrow. Any other discussion or matter to be brought before the body?

#### **MOTIONS AND RESOLUTIONS**

**Mr. Hertzberg:**

I just want to be sure to pay a compliment where one is due, right after the work has been done and I just want to be sure to thank our Public Works Department and our Construction Division. They did some work on a small street in a neighborhood in Council District 2 in Mount Washington that should have been done about 20 years ago. It is a very steep street known as Vinecliff Street and the City has neglected it for about 20 years. It has become impassable, but there so few homes located on it, it seems to have just been ignored.

Finally our Public Works Department the Construction Division went out there and did the work. They did it well. They are just a group of people that I wish we could some how get more of. They are so skilled and they do such fine work because its not easy to put a street in on some steep hills sides that we

have in the City, in particularly this one on Vinecliff Street. They did a very professional fine job. I want to be sure to go on record to thank them and I look forward to having them do a lot more fine work.

**The Chair:**

Thank you. Hopefully they will continue if they don't close the second division.

**Mr. Cohen:**

There was a press conference this morning. I just want to inform Council about the City is about to receive a \$50 thousand grant from the Pennsylvania departments of Community and Economic Development for our Witnesses Protection Program. If you recall, City Council raised the funding for the Witness Protection Program substantially. Councilman Ricciardi was very involved in that. From \$15,000 to \$100,000 its been very very successful over 40 homicides have been cleared through the Witnesses Protection Program over the years and through the good services of State Representative Harry Readshaw, the City will be receiving \$50,000 for that program. I just want to make that announcement to Council and certainly well received.

**The Chair:**

Thank you. Other discussion?

**Mr. Onorato:**

I don't want to touch off major debate here today, but Council President, I would ask that when we come back after the election tomorrow and maybe even a

week or so you call an Executive Session to finalize the discussion on Jodges case. The reason I bring that up, not to debate the amount anymore, but to debate the policy. Obviously this particular case was presented to previous Council, presented to this Council several times in Executive Session I thought there was a clear cut message given because there wasn't votes for a warrant and obviously a policy was changed without another session with Council. I just want to know what happened and why and why we had this result. Instead of me doing it by myself, I thought it would be productive if the nine of us met in Executive Session because this kind of ties into what Councilman Ricciardi was talking about and that is what do we do when we have these types of settlements? Do we do follow up? Do we fix some of the problems? I have a very large concern here there was a decision made to change policies and I want to know where that directive came from.

**The Chair:**

Thank you. Why don't we in the intermath ask for a formal memo from the

Solicitor addressing Councilman Onorato's issue regarding the procedure, settlement versus judgment payment?

Any other matter to be brought before the body? Hearing none, motion to adjourn.

**MR. UDIN** moved to adjourn the meeting.

**THE CHAIR** seconded the motion.

**The Chair:**

The legislative meeting stands adjourned.

Thank you.

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## MUNICIPAL RECORD

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO ..... President  
LINDA M. JOHNSON-WASLER ..... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Monday, November 10, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

The Chair:

Before we take the pledge of allegiance, I would like to ask my colleagues, Councilman Udin who chairs the Committee on Finance and the Budget and Councilman Cohen to please escort Mayor Murphy into chambers.

Would you please remain standing.  
We will now have the pledge of allegiance.

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and

justice for all.

#### The Chair:

Ladies and gentlemen, it is my privilege and honor to now introduce the Honorable Tom Murphy.

#### Mayor Murphy:

Good afternoon and thank you members of City Council, Controller Tom Flaherty, city workers and residents of the City of Pittsburgh for joining me today as we begin discussions on the City's operating budget for 1998.

Over the last several months we have participated in one of the most remarkable discussions of our life times on how to move this region forward into the 21st century and beyond. The voters said no to the proposed solution, but we are still all facing the daunting challenge of revising the economic base of this region and retaining our young people.

The City of Pittsburgh is facing some of the most complex problems as the core of this region. Some in the region proclaim that they do not need the City any more to survive, but I say that the only way to survive, not only survive but to thrive is to work together as partners.

Neither as a region nor as a City will we succeed by governing on wishful thinking. We have made tough decisions, we have been innovative and we have laid a foundation. We have reached fiscal balance.



The challenge is to remain there.

I am presenting this 1998 budget with a four-year track record behind me of tough decisions that have reversed a course that had the City spending more each year than it generated in revenues. If you look at figure one you will see what I mean by that, where the City ended 1993 with a \$9.3 million deficit, a deficit that was increasing. As you see, we project in this year with a \$2.8 million surplus and have a balance in 1998. Those were difficult and have been difficult decisions.

Figure 2 demonstrates what that has meant to us as we have turned the City from a City of red ink into one with a reasonable cash balance. As you can see in Figure 2. In 1993, the city was spending in excess of \$333 million and revenues were only \$323 million. In 1998, we are proposing a budget of \$314 million with revenues to match. You can see that in Figure 3 and Figure 4. Both of those reflect the difficult decisions we have made in the face of wage increases and inflation. We have been successful at not only holding down revenues, revenue and expenses, but holding down expenses so we that we have actually reduced them. That has been remarkable on the part of everyone in the City.

The structural imbalance that developed over many years was financed by spending down the City's savings accounts. In recent years this habit necessitated the use of one-time revenue measures to achieve an annual operating budget.

Our goals have been to replenish our savings and to break the reliance on one-time revenues.

I am happy to present to you today a spending plan that achieves both of those

objectives while maintaining the integrity of the City's core services. You can see that in Figure 5 where for years we have used one-time revenue sources selling our tax liens, the sale of the water authorities. This year we have not had to rely on those one-time revenue sources and in fact what we have done is to truly balance the budget.

Without a doubt the \$38.5 million we now have in savings will be a tempting target for all of you in the weeks and months ahead. The temptation to spend those funds must be resisted lest we throw the City's finances into another tailspin and end up where we started four years ago. I will vigorously oppose any attempts to use our savings to avoid the discipline that we have been demonstrating in our budget.

I call on City Council to share that discipline with me. Next week we will be submitting legislation that will require a fiscal impact analysis of any proposed legislation brought before City Council before it can be enacted. This legislation would also require that only recurring revenues could be used to finance the legislation.

I am optimistic that with this budget, and with the debt policy we announced with the capital budget last month, we are meeting the expectations of the Wall Street rating agencies. The process of stabilizing the budget and establishing a modest surplus in cash flow have been painful, but critical to correcting the financial course of this City.

One of the most difficult actions that have helped us to reduce the cost of government has been downsizing the City's workforce. In 1993 the size of the workforce had reached about 4100

employees. Through lay offs in 1994 and 1995 the elimination of vacant positions that number in 1998 will be down to 4,010 employees. This budget contains no lay offs.

Without a doubt, we are asking our workers to do more with less and they are meeting that challenge every day. Sixty-five miles of streets paved, 67,000 senior citizens hot lunches served, 1543 welfare-to-work clients trained, 45,000 patients cared for by E.M.S. personnel, 114 residents graduated from the civilian Police Academy, almost 100 playgrounds are underway or completed. The figures are remarkable and the individuals that improve our City each day deserve a round of applause.

As we have asked our line workers to be more productive, we have also asked the managers to find and implement new ways to support our staff. The innovations are paying off in financial and efficiency terms. By rethinking our workers compensation and health care delivery systems, we are saving \$6 million annually, and providing more consistent services to our employees.

In 1998 we will continue to pursue savings in our health care system by proposing a new network that will continue existing coverage for employees while reducing the City's cost by another 10 percent.

This year we will bring the implementation of an ambitious Customer Service Program that makes the taxpayer our customer that has been under development by managers from across many departments of the City for the last two years.

Among the initiatives that will make City government more accessible and

responsible to residents is the recreation of a one stop City shop. Supporting this function will be improved communications technology and convenience for residents who wish to access City services from their homes, their businesses, or in person. We intend to implement a permits by fax option and go live with the City Internet site January 1, 1998.

We have also pursued an aggressive program of partnerships with public and private sector organizations, again to gain efficiencies in service delivery and in expenditures. The 1998 budget includes plans to implement the long heralded City and County cooperation agenda.

We will consolidate our paint/sign and print shops assigning our City workers to sites with County workers. The City and County 911 centers will be co-located in former Rockwell campus in North

Point Breeze, with the City providing training and back up support and supervision to the County's fledging 911 system.

The City and County will cooperate on computer and information systems, thereby reducing costs to both of us. We are already saving money through a joint purchasing agreement with the City and the School District for commodity purchases and those savings will be expanded this year.

1997 has been a planning year for our partnership with the five trauma hospitals and the E.M.S. Union. Next year will be a transition year that will continue to minimize the City's cost, through voluntary contributions by the institutions, and maintain the excellent quality of care that is received by residents and visitors in need of emergency care.

That the paramedics union is active in this process is a tribute to their interest in finding a cost cutting solution. The willingness of AGH, Mercy, St Francis, UPMC and West Penn stands as a prime example of the partnership that is growing between the City and these institutions. Clearly this partnership with the hospitals and the Unions is representatives of the ways we are working together.

We will be engaging private sector experts to identify surplus property and recommend a strategy to dispose of property we no longer need for essential services.

We have also have been looking inward to determine further ways to eliminate services that the City can simply can no longer provide. The Cable production and the asphalt production functions will be discontinued in the 1998 budget generating more than a million dollars in savings.

Overhead in the department of Public Works will be reduced by approximately \$200,000 and services maintained by consolidating the functions of six divisions into five. We will make more sense of services provided to our workers and save on the spending by moving functions such as payroll and benefits, which have currently been administered in the Finance Department into Personnel.

I am proud of the continuing success that the Police Bureau has had in preventing and reducing crime in our neighborhoods. The 1998 budget proposes to re-deploy 25 officers out of offices and back onto the streets to keep the crime reduction trend moving in the right direction.

While we have made remarkable reductions in the cost of government, it is my feeling that further reductions would jeopardize basic service delivery. For this reason we are proposing two new revenue streams.

This budget proposes two major ways of increasing our revenues. The first is to increase the City's parking fee from 26% to 31%. This fee was last increased in 1992. This adjustment will result in average rate increase at City facilities of 3%. In real terms, the rate of increase for parking patrons will be between 10 and 50 cents a day. For parkers at our new lot on Second Avenue for example, we will be asking for an additional 10 cents a day.

The parking tax, like the amusement tax, stands as one of our few truly regional taxes — about 73 percent of the tax is collected from non-city residents.

The second revenue strategy is instituting a residential garbage fee. This is one of the last major recommendations of the Competitive Pittsburgh Task Force. This budget proposes the equivalent of \$3 per month fee. A recent study by KPMG Accounting Firm estimated that the City's per household cost of residential garbage collection is \$113 annually.

The implementation of the residential garbage collection fee is consistent with similar fees initiated last year for non-profit organizations and apartments with five or more units. It is also consistent with 79% of the municipalities in Allegheny County that have fee-based refuse collection, with the average being \$90 per year.

The garbage collection fee will be

incorporated into consolidated utilities bill that will include water, sewer and refuse and will be collected by the Pittsburgh Water and Sewage Authorities. Those residents who are eligible for the City's senior Citizens Property Relief Program will be exempt from the proposed garbage fee.

This fee will help our bottom line. It will generate revenue, but it will also help us respond to the most common complaint I hear more so than any other and you probably do also. I hear all the time about the unsightly and sometimes dangerous dumping and littering that occur all over the City. This fee will permit us to extend City garbage pick up to items that are not now picked up such as refrigerators in which we find all to often dumped around the City. If for resident who is going to call a private individual to haul away that refrigerator this proposed fee is far less expensive than what they would pay to that individual.

Our efforts to clean the City that this fee will help fund are formidable. It includes the demolition of vacant buildings; vacant lot clean up on a continuing basis, graffiti removal and the continuation of the Clean Sweep Program that we have seen so successfully implemented in our neighborhoods. The new fee will enable us to manage these efforts more efficiently and to deliver them more consistently. As an example in graffiti alone, we will spend over \$400,000 in equipment and manpower that will increase our effort by over 300%. Our goal is to clean over 2,000 sites in 1998. We cannot do this kind of clean up without some additional resources.

I love the greenness of this City. I hear frequently from visitors how they are struck with the natural environment of Pittsburgh. I want Pittsburgh to continue to

be known as an attractive and beautiful City and for this reason that we need this revenue source not only to continue to have a balance budget, but to make that additional effort to maintain this City's attractive environment.

I have outlined an ambitious spending plan that proposes to hold the line, make modest increases in revenues and continue to improve the responsiveness of City government, without any lay offs.

Pittsburgh is still at a crossroads along with the entire Western Pennsylvania region. Our aggressive development agenda is beginning to pay off in modest increases, in business taxes, new jobs and new business opportunities. You see those new developments now all over the City, in Manchester, the Hill District and Washington's Landing and the South Side and smaller developments all over Pittsburgh's neighborhoods. But just as those businesses that we work with each day to try to attract and retain in the City are making hard-nosed spending decisions, so must we as a City government. In many ways we need to set the pace to demonstrate to business prospects that we are and continue to remain competitive.

I appreciate the partnership that City Council and I have forged together to bring this City's fiscal situation onto sound footing. Together we can continue to keep this City on course.

I want to thank you for your attention. I look forward to a vigorous debate over the next few months. Thank you.

**The Chair:**

I want to thank the Mayor and his administration for their due diligence in

preparing a draft, and I stress the word draft 1998 Operating Budget. The Mayor has proposed, ultimately it will be this City Council that will dispose. We will begin a series of public sessions known as the Operating Budget Review that Councilman Udin will be chairing beginning this week. We invite the public, community organizations, and others who have concerns including our city work force if you have concerns, you may communicate directly to the Mayor's office at extension 2626 or call your respective district council member regarding issues that the Mayor has enumerated this afternoon.

Before we take a five minute recess we want to thank the Mayor for his hard work and applaud his re-election to the office of Mayor as well my colleagues also for their re-election.

I do want to say hello and welcome our City Controller Tom Flaherty who is an important part of the City budget proceedings for the 1998 year and I also believe State Representative Joseph Preston is here from my legislation district, as well he is the chairman of the Pittsburgh Water and Sewer Authority Board.

We will now take a five minute recess. Thank you.

**The Chair:**

Good afternoon. City Council's Legislative session is now called back to order.

#### **PRESENTATION OF PAPERS**

**Mr. Onorato:**

Everyone here associated with the gentleman from New Jersey, please come

forward and if Art Rooney, the second, will come forward too please.

John and Art are meeting for the first time. Ladies and gentlemen, Mr. President, some of you might recall a Wall Street Journal article from October 10 and if you looked on the front page of the Wall Street Journal article it said to see why the NFL still thrives consider Jersey John Odyssey. This is Jersey John right here. When you read the proclamation, you read the article; you will see why I asked him to come in today. He has to go back to New Jersey today, that's why we are taking this first. Thank you.

This commitment to the Steelers and this City. I wanted to recognize if you can make the front of the Wall Street Journal, we wanted to make sure we gave you a thank you here in Council. I am going to read the proclamation and I think it explains what is going on here.

#### **MR. ONORATO AND ALL COUNCIL MEMBERS PRESENT:**

No. 2550 WHEREAS, John Tobias was born and raised in the town of Point Pleasant, New Jersey and currently resides there with his wife Lori, daughter Jackie and son Bobby; and

WHEREAS, as a young boy John Tobias became a Pittsburgh Steelers fan. He vowed that one day he would travel to Pittsburgh to watch the Pittsburgh Steelers, and at the age of 29, his childhood dream became a reality; and,

WHEREAS, for the past 21 years "Jersey John" has traveled 750 miles roundtrip from New Jersey to Pittsburgh weekend after weekend in support of the

Pittsburgh Steelers. Win or lose, his loyalty and allegiance to the team has remained flawless; and,

WHEREAS, Jersey John is a tailgater who joins other loyal fans from Pittsburgh, Virginia and West Virginia in a neighborhood parking lot outside the Stadium gates. John proudly refers to his tailgate friends as his "Pittsburgh family"; and

WHEREAS, Jersey John displays a tattoo on his right arm--a football with #58 inscribed. His Jersey home is decorated in the black and gold tradition and he even prints T-Shirts at his own cost with slogans such as "We Believe," "Unfinished Business" and "The Final Step" and shares them with his tailgate friends and many Steeler players; and

WHEREAS, when returning home after each game, Jersey John spreads goodwill along the East Coast about Pittsburgh's people, neighborhoods, scenic skyline and rivers, and of course our spirited teams; and

WHEREAS, John was recently featured on the front page of the Wall Street Journal in a story about fan loyalty and tailgate families. As a result of that article, "Extra," a New York based talk show, interviewed John and his family for an upcoming spot. More recently, the NFL Film Crew followed John this past weekend from New Jersey to Pittsburgh and will feature him in a 30 second spot scheduled to air on the FOX channel during next Sunday's football game; and

WHEREAS, John Tobias is the ultimate Pittsburgh fan who serves as a goodwill ambassador for the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby recognizes and commends John Tobias for his many years of support to the Pittsburgh Steelers and the City of Pittsburgh; and

BE IT FURTHER RESOLVED that "Jersey" John Tobias is officially declared an "Honorary Pittsburgher."

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Onorato:

Congratulations. Before we hear from John I am going to ask Art Rooney to say a few words who was gracious enough to come over today at the last minute when I called him.

Mr. Rooney:

Well thank you, Councilman Onorato, and all members of Council, for giving us an opportunity to recognize now a famous Steelers fan. I want to thank John for calling attention nationally to the fact that we do have the greatest fans in the world right here in the City of Pittsburgh. For the last year we have heard a lot about the cheese heads, I think we are all getting tired of hearing about that in Pittsburgh. We know we have the best fans here in Pittsburgh wherever they come from and, John, as you may know in the football business when someone does something good on the field, they get a game ball. I have a game ball for you signed by Coach

Coward. So thank you very much.

**Mr. Onorato:**

At this point, John, I don't know if you are used to speaking at all in public, but we are going to ask you to say a few words. You came this far; you have to say something here.

**Mr. Tobias:**

I would like to say I am embarrassed, not embarrassed but taken back by all of this. This is the greatest honor that anyone, at least myself, could ever ever receive especially from the City I love the most, which is Pittsburgh Pennsylvania that houses the greatest football team in the history of the NFL. I would like to thank the City of Pittsburgh and the Pittsburgh Steelers for not being in Idaho because my wife Laurie and my son and daughter would probably never get to see me.

I would also like to say that whatever it takes for every fan out there, Pittsburgh Steelers fan, especially here in the Pittsburgh area and surrounding region, whatever we have to do to get together, unite to keep this team in the greatest City in America. Thank you very much.

**Mr. Onorato:**

I would end by saying if there was ever a doubt in anybody's mind that these teams are regional assets, here is your answer I think.

Why don't you introduce who is with you too?

They travel too, you might as well tell them who is here.

**Mr. Tobias:**

My son Robert, and a very good friend of mine, Bob McCormick, very good friend of mine, Pittsburgh native born and raised and bred here, Tom Semich and his fiancée Bee Doheny.

**COUNCILMAN  
PRESENTS:**

**HERTZBERG**

No. 2551 WHEREAS, the White Lily Baptist Church was established in 1918 in a member's home in the Windgap Neighborhood of the City of Pittsburgh; and

WHEREAS, a Church Building for the White Lily Baptist Church was erected in 1925 at 3621 Chartiers Avenue in the Chartiers City Neighborhood of the City of Pittsburgh; and

WHEREAS, the white Lily Baptist Church is building anew Church Building on land adjoining the current Chartiers Avenue location; and

WHEREAS, it is through the strength and dedication of the Church's members, including original member Elizabeth Jones, and the leadership of the Pastor Kelvin Brooks, that the dream of a new Church will become a reality; and

WHEREAS, the official Groundbreaking ceremony is being held on Sunday, November 9, 1997;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh congratulates the White Lily Baptist Church on breaking ground and wishes continued success.

**MR. HERTZBERG** moved to adopt the resolution.

**MS. MCDONALD** seconded the motion.

Which motioned prevailed.

**Ms. McDonald:**

Dr. Frances Barnes. You're up, Frances. I will read the resolution, which will explain why Dr. Barnes is here and is advertisement for an upcoming event this Friday.

**MS. MCDONALD PRESENTS:**

No. 2552 WHEREAS, Dr. Frances Barnes will present a "Celebration of Love Gala" at the Carnegie Music Hall, Friday, November 14, 1997; and

WHEREAS, the "Celebration of Love Gala" celebrates African-American couples who have been married for 20 years or more. Dr. Barnes realized that contrary to the general public perception, there are a multitude of African-American couples who have lengthy, committed and loving marriages; and

WHEREAS, nearly 600 couples in the Pittsburgh area have been identified and will be honored at this unprecedented gala event. These couples have consequently been the backbone of our society and are responsible for many of the gains and successes that African-Americans have enjoyed in Pittsburgh; and

WHEREAS, the proceeds from the "Celebration of Love Gala" will benefit the POISE Foundation. The evening will be hosted by Brenda Waters of KDKA-TV,

along with Dwayne and Joy Woodruff as honorary co-host.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends Dr. Frances Barnes for spreading the joy of love throughout our communities.

**MR. HERTZBERG** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Ms. McDonald:**

Dr. Barnes I am not sure when you approached me, but it was with a hand written letter. When she approached me it was many months ago about being an honorary committee member of this gala event. I appreciated it and told Dr. Barnes this is about marriage for about 20 years or more. Dr. Barnes lest you did not hear, I don't think it would be appropriate for me to be on that committee because of some change in new personal life there. She is the love lady. She told me, Valerie, you have been at it almost 20 years. It's 19 and one half. I want you to be on the committee because you have shown a commitment that marriage is not to be taken lightly. That it is something very important. It is one of the backbones institutions of our society it adds a definite element of stability to our society and should be treasured. I told her well okay I will do it.

So I am part of the committee to make sure that we advertise this Gala event which is unprecedented and which it's a concept that I think no one would have thought of. We take things for granted too



often in our society. That is people who have committed to one another and been married for a long time and made it work. So I commend these people. This event is not just to be held for -- I am going to be there, it is not just for folks who have been married 20 years or who are married. It's basically to celebrate the institution and maybe those that you would know that have been at it for 20 years or more to commend them and give them a hand of applause.

I am going to let her explain everything but these are the tickets, which I was given about a minute ago for Friday, November 14 at 7:00 o'clock p.m. at the Carnegie Music Hall in Oakland. Tickets are \$25 and there are going to be a number of couples married 20 years or more and they get two complimentary tickets. They don't have to pay a thing to come and celebrate.

So, Dr. Barnes, I congratulate you for this whole concept and hope to hear from you as far as giving us some motivation to come to your event.

**Dr. Barnes:**

Well the motivation as Valerie has said this is an unprecedented event. No place in this country at any time have African Americans been honored for marital long jevity. We have had all of the negative things that have been said about family that just the women head family that the men have gone. But here in this little City, one City, on Friday night we are going to have hundreds of African American couples who have been married from 20 to 62 years. The telephone was still ringing this morning. I did not identify them. I tried for a whole year. I took my notebook around everyplace and my friends were calling me with names,

but I actually identified close to 600 couples and sent hand-signed invitations to each of them. It cost them nothing. I have said come and be celebrated, be honored, we are having a program love portrayed through poetry pros, music, dance and art. There will be a lovely reception for them afterwards and the benefit of whatever is left over from the ticket sales and what the honoraria's contribute will go to the Poise foundation, the teach love fund at the Poise foundation.

So spread the word. We still have a few days and tell your friends there is still room. We are having it at the Carnegie Music Hall and there are seats available. So please support us in this effort.

Thank you.

**Mr. O'Connor:**

Manny Gold and Jewish Sports Hall of Fame group come up. We have with us John Sivitz, the banquet chair, Harriet Litman, the new president or to be inducted, Manny Gold who everyone knows and Stan Lederman will be the awardee of the Kahn Award this year. Stan and I go back over 20 years coaching together and the Letterman Field and Frick Park is named for his outstanding work. He really did work very hard although when your the commissioner, sometimes you get the better player, so I think you pulled a couple of fast ones. One more year he beat me, you never forget those little league things. That's real war. I think they were the best days of our lives too, that's why I still enjoy doing it.

I will read this proclamation and Harriet make sure you tell everybody they better show up. It is a great banquet, and I encourage everyone to attend.

**MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:**

No. 2553 WHEREAS, the Jewish Sports Hall of Fame of Western Pennsylvania was established to honor and recognize Western Pennsylvania's outstanding Jewish athletes and notable members of the sports world who have distinguished themselves through their significant contributions to the community both on and off the fields of play; and,

WHEREAS, on Sunday November 16<sup>th</sup> 1997, the following individuals will be recognized for their contributions to sports and their leadership in their community, by their induction into the Jewish Sports Hall of Fame:

**Inductees**

Arnie Kleban  
Saul Choskey  
Ernest Helmrich  
Steven Eiseman  
Kristen Heinbaugh

**Ziggy Kahn Award**

Stanley Lederman, Esq.

**Special Awards**

Harriet Litman  
Jack Morris

**Posthumus**

Edward Barmen  
Dr. Sidney Spatz  
Joseph Singer  
Harry Barmen

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate the 1997 Jewish Sports Hall of Fame inductees and joins with the Jewish Sports Hall of Fame in recognizing them for their efforts, on and off the field, to make Pittsburgh a better place in which to live and play, furthermore the Council does convey its best wishes to Stanford G. Davis, President of the Jewish Sports Hall of Fame of Western Pennsylvania, Banquet Chairman Josh L. Sivitz, and all members of the Hall of Fame; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Sunday, November 16<sup>th</sup>, 1997, to be "Jewish Sports Hall of Fame of Western Pennsylvania Day" in the City of Pittsburgh.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. CUSICK** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Who wants to be first to speak?

**Mr. Lederman:**

We want to take this opportunity to thank Councilman O'Connor and the entire City Council for recognizing our group. We have a very good thing going in the Jewish community. We sell tickets to our banquet, we sell ads in our book and we enlist membership contributions. We give all the money back to the Jewish youth, not just Jewish youth, but youth in the area and it is all filtered back to them. We highly

recommend it for any of your areas. We will be glad to share our experiences with you if you want to know. Again, thank you on behalf of the entire board of directors of the Jewish Sports Hall of Fame.

**Mr. Sivitz:**

I thought it was ironic the last fellow from New Jersey that you gave the award to. I leaned over to Josh and said I don't think you would see Jerry Jones doing this in Dallas, showing up to make such a presentation. That's one of the nice things that makes Pittsburgh great. Probably why this fellow wants to retire here when he is done working. That's part of the reason why people contribute their time and effort not only for children and youth, and youth athletics, but all sorts of charitable organizations here in the City and in the Tri-state area.

I think it is important that the City and not only the organizations such as ours but through City Council and government where with all continue to support these types of organizations because that's the true bang we get for our tax dollars in this City. Because people who get these funds to help our children and help the groups in the communities go above and beyond every dollar that you put into it probably comes back ten fold to the community. I would encourage you to continue to do that and thank you for your support. Thank you.

**Ms. Litman:**

You see what happens when you're the only woman on the board for five years. Now starting in January, I am the President. Wish my luck. The Litman family has always been involved in athletics and sports in this City and of course I guess I am the

woman survivor. It is a very important thing. We believe that young people, all young people, regardless of their background, their financial or whatever, they should be involved in sports. They learn competition and all of you are aware of how important it is to learn how to compete.

I don't care if it is on a personal level or business level and the greatest field to learn that is in sports. So we are donating everything we make from our banquet goes right back to the community, right back to the Jewish Community Center. That does not mean that only Jewish children are benefiting. Everyone, and if you want to know more about it, call me or call us. Our organization will be delighted to have you.

If possible, we would like to see you all there on Sunday. Thank you very much.

**Mr. O'Connor:**

This is our 15th year and Manny Gold is the only one of the founders and he is still on the board and is still active. So, Manny.

All the members from the Ukraine come up. Why don't you all come up. Halushack is the project coordinator Sarah DeRoy is our intern and Gina Bonifaci is the assistant coordinator.

Welcome to Pittsburgh and you are doing a lot of touring. I will let you talk about it. I will read the proclamation first. We are honored to have you all here.

**MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:**

No. 2554 WHEREAS, it is always in the best interests of the people of the

world to meet and join together in order to share ideas, gain understanding and to promote efforts that for the common good for all; and,

WHEREAS, during the period of September 1<sup>st</sup>, 1997 through August 1<sup>st</sup>, 1998, the Pittsburgh Council For International Visitors will reinforce existing linkages and forge new ones between Donetsk, Ukraine, and Pittsburgh, Pennsylvania through the training of thirty-six people from the business, governmental and legal professions from Donetsk Oblast, in a project supported by the United States Information Agency's Office of Citizen Exchanges.

WHEREAS, the Pittsburgh Council For International Visitors is one of forty-one community based organizations nationwide participating in the Community Connections Project which is, in this case, specifically designed to reinvigorate linkages with the Donetsk region; and,

WHEREAS, the Community Connections Project offers Pittsburghers a unique opportunity to assist the citizens of Ukraine in learning the structure and operation of American government, economic, and judicial systems and in doing so help to secure a better world for all people.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Pittsburgh Council For International Visitors for its efforts to share the wealth of our collective skills and perspectives with the People of Ukraine and, furthermore, the Council welcomes the delegation from Donetsk, Ukraine and hopes that the time spent in Pittsburgh is productive and of

benefit to the future of both the people of Ukraine and the United States.

**THE CHAIR** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**Mr. Haluschak:**

Councilman O'Connor, President Ferlo, and members of City Council, on behalf of the Pittsburgh Council for International Visitors I would like to thank you for the attention given to our distinguished visitors from Ukraine. This is the fourth group of professionals that we have visiting Pittsburgh since November of last year. There are 11 representatives of city and state government from the City of Donetsk, Ukraine. Donetsk and Pittsburgh share a similar industrial background and there is a working relationship although unofficial as sister cities.

I was planning to mention something about the background of our program, but the fine declaration that the Councilman just read pretty much explained everything I had to say. I would like to go on record as thanking all the people of Pittsburgh and in city government, county government, and business and the legal and educational fields for their kind donations of time and materials to helping to educate our visitors from Ukraine.

The Ukraine is making the transition now from command closed economy to an open democracy and a capitalist-based economy. The people of Pittsburgh have been very generous in giving of their time and helping this process go forward. Thank

you.

**Mr. O'Connor:**

How many people of Ukraine nationality are still in Pittsburgh? At one time, I would imagine we had a big population. Do we still have a big population?

**Mr. Haluschak:**

It varies. It is approximately 100,000 in South Western Pennsylvania.

**Ms. Bombaci:**

I would like to say it is a wonderful opportunity for the Ukrainian population here in Pittsburgh to meet people from Donetsk and to meet people from the Ukraine and to learn from their experiences and to find out what is going on in Ukraine right now. The Ukrainian community is very strong in Pittsburgh and it is continually growing stronger and stronger and it is very exciting for us to be participating in this US information agency program so we can receive visitors from Ukraine to further intensify those ties with Ukraine.

**Ms. DeRoy:**

I think it is also very exciting to be involved in an activity that really supports the consolidation of democracy and part of Eastern Europe. One of the best things that we can do as members of an established democracy is to share some of the expertise that we have gained with people from nations that are still in the process of making the transition. So, I am very glad that we could be involved in a program like this.

**Mr. Haluschak:**

Right now a member of our group, his name is Oleksi Dipilento would like to say a few words with the help of a translator.

**Mr. Dipilento:**

Ladies and gentlemen, we are representatives of City of Donetsk and the Donetsk region and we all are authorities from different levels of governmental power of Donetsk. Our delegations are related to Pittsburgh and our two cities are unofficial brother cities and we are very glad to be here.

We are glad to give some information about our city. We know a lot about the Pittsburgh and we know that most Pittsburgh collect miners hats and we have prepared such a souvenir for him. It is for your man. Thank you very much.

**MR. O'CONNOR AND MR. COHEN  
PRESENT:**

No. 2555 WHEREAS, On June 7, 1903, 150 delegates from throughout the United States representing the Zionist movement held its second convention in the City of Pittsburgh with Dr. Richard Gottheil presiding. Under Dr. Gottheil's leadership, a charter was formed creating the Zionist Council of Pittsburgh and, by 1918, Zionist factions had united under the Federation of American Zionists - the official beginning of the Zionist Organization of America - to promote private economic development in Palestine; and,

WHEREAS, on Sunday, November 9, 1997, the Pittsburgh/Tri-State Region Zionist Organization of America will hold its 52nd Annual Banquet at Beth Shalom

Synagogue, dedicated to the memory of Rabbi Morris A. Landes and, at the banquet, Meryl Ainsman and Dan Frankel will be recognized for their many contributions to Israel and the Jewish Community; and,

WHEREAS, Meryl Ainsman will receive the Israel Service Award for her volunteer efforts to promoting the relationship between the Pittsburgh Jewish Community and the State of Israel; and,

WHEREAS, Dan Frankel will receive the Natalie E. Novak Community Leadership Award for his effective advocacy on behalf of the Jewish Community on the local and state level.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the Pittsburgh/Tri-State Region Zionist Organization of America its best wishes and congratulations on the occasion of its 52nd annual banquet; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Meryl Ainsman and Dan Frankel for being recognized for their outstanding record of service to the Jewish community of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. O'CONNOR** seconded the motion.

Which motioned prevailed.

**The Chair:**

That concludes our proclamations and read and adopted. Moving to presentation of papers.

#### **MR. COHEN PRESENTED:**

No. 2556 Resolution authorizing the transfer of \$122,199.00 from various Public Safety code accounts to the YCPC/Mayor's Youth Initiative Trust Fund.

Which was read and referred to the Committee on Finance and Budget.

No. 2557 Resolution providing for an agreement with a consultant for professional services for the Mayor's Youth Initiative for Serious Offenders, at a cost not to exceed \$60,000, chargeable to and payable from the YCPC/Mayor's youth Initiative Trust Fund.

No. 2558 Resolution providing for an agreement for the provision of salvor services for the Bureau of Police, at no cost to the City.

No. 2559 Resolution amending Resolution 961 which authorizes the City Controller to create the 911 Emergency Telephone Act Trust Fund (ETATF) and provides for the deposit of monies into the trust fund by the City Treasurer to cover any and all eligible expenses for the support of the City of Pittsburgh 911 Operation.

No. 2560 Resolution authorizing the City Controller to create a special trust fund to be designated as the Local Law Enforcement Trust Fund (LLETf) for the deposit of grant monies received by the US Department of Justice.

Which were read and referred to the Committee on Public Safety Services.

#### **MR. O'CONNOR PRESENTS:**

No. 2561 Resolution providing for a License Agreement with Duquesne Light

Company to relocate one pole from the legal right of way limits of Chartiers Avenue in Crafton Borough to the City.

No. 2562 Resolution providing the verification to the Department of Conservation and Natural Resources (DCNR) that the work authorized to be performed utilizing the grant awarded to the City by the Department of Community Affairs (DCA) through the Recreational Improvement and Rehabilitation Act (RIRA) Program for Southside Riverfront Park Rehabilitation has been completed in accordance with the Grant Contract.

Which were read and referred to the Committee on Engineering and Construction.

#### **MR. ONORATO PRESENTS:**

No. 2563 Resolution transferring the amount of \$30,130.00 from Salaries, Magistrates Court, Housing Court Section, Org. Code 104000, Sub Class 010, to Salaries, Dept. of Law, Org. Code 10800, Subclass 010. (SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Finance and Budget.

#### **MR. UDIN PRESENTS:**

No. 2564 Resolution providing for the issuance of a warrant in favor of Patricia Edwards in settlement of a claim for an incident with an EMS vehicle, chargeable to and payable from Code Account 46, Judgements.

No. 2565 Resolution providing for the issuance of a warrant in favor of Yakov Kurland in settlement of a claim for an incident of claimant's vehicle being

damaged due to a fallen limb from a City tree, chargeable to and payable from Code Account 46, Judgements.

No. 2566 Resolution providing for the issuance of a warrant in favor of Ronald J. Miller in settlement of a claim for an incident in which a crack in the City's sewer line caused raw sewage to be drained onto claimant's property, chargeable to and payable from Code Account 46, Judgements.

No. 2567 Resolution providing for the issuance of a warrant in favor of David Tipper in settlement of a claim for an incident in which claimant's sidewalk was damaged due to City tree roots, chargeable to and payable from Code Account 46, Judgements.

No. 2568 Resolution providing for the issuance of a warrant in favor of Waste Management of Pittsburgh in settlement of a claim for an incident in which claimant's truck was damaged due to an accident with a City vehicle, chargeable to and payable from Code Account 46, Judgements.

No. 2569 Resolution providing for the transfer of funds from the Homicide Trust Fund (HTF) to the General Fund or other trust funds for the reimbursement of expenses and salaries associated with the purchase of computer equipment not to exceed \$129,675.

No. 2570 Resolution authorizing the Citizen's Police Review Board to enter into a contract for the hiring of counsel and consultants to assist in the representation of the Citizen's Police Review Board at a cost not to exceed \$20,000.

No. 2571 Resolution authorizing the City Controller to create a special trust fund

to be designated as the Homicide Trust Fund (HTF) for the deposit of grant monies received from the U.S. Department of Justice or other federal/state government agencies.

Which were read and referred to the Committee on Finance and Budget.

**THE CHAIR PRESENTED:**

No. 2572 Resolution Authorizing and directing the Director of Management & Budget to enter into a professional service contract with a vendor or vendors for the purpose of researching, analyzing and formulating a PITTSBURGH PLAN B as it relates to raising revenue to support various economic development initiatives, including but not limited to the David L. Lawrence Convention Center, proposed construction of a baseball park, major league football stadium, and other job creating and retention opportunities, and further authorizing the creation of a PITTSBURGH PLAN B Working Group.

Which was read and referred to the Committee on Finance and Budget.

**THE CHAIR** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you. That concludes our presentation of papers. Moving to unfinished business or reports of special

committees any matter to be brought before the body? Hearing none, Reports of Committees.

**REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2573:

Report of the Committee on Finance and Budget of November 6, 1997, transferring sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2486:

Resolution providing for the issuance of a warrant in the sum of \$10,000.00 to Mary Clark c/o Mark E. Milsop, Esquire, Evans, Portnoy & Quinn, in full and final settlement of the action filed at GD83-9216 for a slip and fall on a sidewalk at 2200 Centre Avenue, chargeable to and payable from Code Account 46.

Which was read.

Also,

Bill No. 2527:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program



(A) 1906 Diaz Way, 3<sup>rd</sup> Ward, Block 11F, Lot 20, being sold to Fred E. Davis, \$200.00, Intended Use: Additional yard space, Council District 6.

(B) 3431-3433 Ligonier Street, 6<sup>th</sup> Ward, Block 49-N, Lot 172, \$100.00. Intended Use: Off street parking, Council District 7.

(C) 7717 Baxter Street, 13<sup>th</sup> Ward, Block 174 M, Lot 314, being sold to Glenda C. Manuel, \$100.00. Intended Use: Additional yard space. (Council District 9)

(D) 2515 Leticoe Street (rear), 16<sup>th</sup> Ward, Block 12R, Lot 140, being sold to David & Suelynn Shiller, \$100.00. Intended Use: Additional yard space. (Council District 3).

(E) 218 Sterling Street, 16<sup>th</sup> Ward, Block 13P, Lot 97, being sold to Suzzanna Harter, \$100.00. Intended Use: Additional yard space. (Council District 3).

(F) 403 Sylvania Avenue, 18<sup>th</sup> Ward, Block 15-M, Lot 154, being sold to Linwood & Sybilla Brosier, \$100.00. Additional yard space. (Council District 3).

(G) 314, 38<sup>th</sup> Street, 6<sup>th</sup> Ward, Block 49-P, Lot 160, being sold to Irene B. Kay, \$100.0. Off street parking. (Council District 7).

Which was read.

Also,

Bill No. 2528:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in

accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984

(A) 1741 Jancey Street, 10<sup>th</sup> Ward, Block 121K, Lot 102, being sold to Andrew R. Ucellini, \$7,000.00. Intended Use: Additional Parking, Council District 7.

(B) 531 N. Fairmont Street, 11<sup>th</sup> Ward, Block 83E, Lot 32, being sold to Jill Ann Smallwood, \$750.00. Intended Use: Additional yard space, Council District 9.

(C) 6349 Apple Avenue, 12<sup>th</sup> Ward, Block 124G, lot 266, being sold to Jimmy Stallworth, \$500.00. Intended Use: Additional yard space, Council District 9.

(D) 6357, 6359 and 6361 Apple Avenue, 12<sup>th</sup> Ward, Block 124G, Lots 260, 261 and 262, being sold to Jimmy Stallworth, \$1,000.00. Intended Use: Build deck and for off street parking. Council District 9

(E) 5018 Lytle Street, being sold to Regis & Elsie Bradley, 15<sup>th</sup> Ward, Block 56J, Lot 59, \$500.00. Intended Use: Gardening. Council District 5.

(F) 345, 347, 349 & 401 Mountain Street, being sold to Leonard & Joan Eisel, 16<sup>th</sup> Ward, Block 32B, Lots 249, 252, 255 and 256, \$2,000.00. Intended Use: Additional yard space. Council District 3.

(G) 616 Chautauqua Street, being sold to Robert W. Johnston, 25<sup>th</sup> Ward, Block 45S, Lot 111, \$2,700.00. Intended Use: Personal Residence, Council District 1.

(H) 414 Jay Street, Being sold to Joann M. Kinsely, 25<sup>th</sup> Ward, Block 23H, Lot

396, \$500.00. Intended Use: construct garage. Council District 6.

(D) 3154 Griffith Street, being sold to Robert V. Torkeo, 4<sup>th</sup> Ward, Block 29M, Lot 234, \$500.00. Intended Use: Personal Residence. Council District 6.

Which was read.

Also,

Bill No. 2529:

Resolution authorizing to issue a quit claim deed for property in the 32<sup>nd</sup> Ward to the Pennsylvania Department of Transportation for right-of-way and channel easement at Library Road, State Route 88.

(A) 2553 Library Road, 32<sup>nd</sup> Ward, Block 138E, Lot 80, Council District 4,

2551 Kingwood Street, 32<sup>nd</sup> Ward, Block 138E, Lot 86, Council District 4

2547 Library Road, 32<sup>nd</sup> Ward, Block 138E, Lot 90, Council District 4

\$1,050.00

(B) 2615 Library Road, 32<sup>nd</sup> Ward, Block 139H, Lot 330, Council District 4,

2631 Kingwood Street, 32<sup>nd</sup> Ward, Block 139M, Lot 142, Council District 4

\$1,900.00

(C ) 2813 Library Road, 32<sup>nd</sup> Ward, Block 139R, Lot 86, Council District 4, \$150.00

Which was read.

Also,

Bill No. 2530:

Resolution providing for the acceptance by the City of 9 Trent Street, 5<sup>th</sup> Ward, 10-N-14, from the U.R.A. for \$1.00.

Which was read.

**The Chair:**

You have heard the reading and title of the bills is there any discussion?

**Mr. Udin:**

Just to remind colleagues that on Bill 2522, I would like to have my comments brought forward concerning the graffiti prevention efforts that I have requested to be taken seriously and followed by a written plan demonstrating how the department of parks and recreation intends to carry out Council's inclusion in that legislation graffiti prevention program?

(See Addendum for Comments)

Secondly, relative to Bill 2530 perhaps other Council members have received it, but I was unable to find the response that we needed that we requested about the transference of the property on Trench Street to the City. If other members have received that information, I would like to see a copy. I don't believe the information was forthcoming.

**The Chair:**

2522 on the graffiti is up on the next committee and we did receive a response from finance regarding the issues about properties at Library Road and 88 and I

asked questions about billboards.

I don't remember actually what the question was about the Trench Street situation with the -- you are taking the property back from the URA? I don't think I received a memo at all, but I think the point was made that the taxes will not be absolved, they will continue with the property. I don't know if you are asking to hold on this?

**Mr. Udin:**

No I am not. Just a reminder.

**Mr. Onorato:**

I just want to point out on Trench Street; I did receive a memo not to me but to the Clerk's Office. There is one floating around on that bill that you are talking about.

**The Chair:**

Any other discussion on any other bills in finance? Hearing none, if you are in favor of the bill, vote aye when your names are called. If opposed, vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. O'Connor
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

(Mr. Onorato and Mr. Ferlo voted noe on Bill 2486)

All the bills having received the legally required number of votes, have been approved finally.

**MR. RICCIARDI PRESENTED:**

Bill No. 2574:

Report of the Committee on Public Works and Environmental Resources for November 6, 1997, transferring sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2522:

Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of equipment and materials for the graffiti removal program, and providing for the payment thereof, cost not to exceed \$299,073.46.

Which was read.

Also,

Bill No. 2523:

Resolution providing for a cooperative agreement between the City of Pittsburgh and the Township of Baldwin in connection with the milling and resurfacing of Ely Road from McNeilly Road to City Line to Highview Road and providing for payment thereof, cost not to exceed \$12,135.00.

Which was read.

Also,

Bill No. 2524:

Resolution Granting unto Don Alan and Helane Joy Linzer, 1208 Murray Hill Avenue, Pittsburgh, Pennsylvania 15217, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on DeArmitt Way in the 14<sup>th</sup> Ward, 8<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2525:

Resolution Granting unto Joseph F. Stafura, 2A Monastery Street, Pittsburgh, Pennsylvania 15203, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a retaining wall and a flex beam on Brosville Street in the 17<sup>th</sup> Ward, 3<sup>rd</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2526:

Resolution Granting unto Kurt VanLehn and Michelene Chi, 5005 Castleman Street, Pittsburgh, Pennsylvania 15232, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on Castleman Street in the 7<sup>th</sup> Ward, 8<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

The Chair:

You've heard the reading and title of the bills, is there any discussion?

I do want to point out on Councilman Udin's discussion under graffiti, which I am all for, I do have to note that I believe all those monies are coming from the Community Development Block Grant. I was interested in learning earlier when the mayor was speaking about his budget address saying the reason we need a garbage fee in the City is so we have money to pay for the graffiti removal, I am not sure how the two are connected, but in any event I am all for the graffiti program, it has nothing to do with the operating budget directly and it has nothing to do with the need to start a garbage tax in the City of Pittsburgh.

Having pointed that out, I want to vote no on Bill 2545. After looking at the pictures from Public Works, I find that wall looks terrible that is being built. I think they should have either asked the gentleman to build it the way we would have built it or we should have helped him out and built it and helped built the property or something. But it seemed as though the property owner in South Side just built the wall. It looks terrible. I don't even know if it looks safe. From the picture it looks like it is leaning back towards the main highway. I just think this is an example where probably the gentleman made his best effort to do something but built a wall that I question its safety and now we are being forced to giving him an easement. I want to respectfully vote no. I think that wall is going to be in the street in the next couple of years. I don't want to be responsible for it.

Mr. Udin:

What wall are you talking about?

**The Chair:**

The wall at the end of Montessori -- I don't have the address in front of me here, Bill 2545, I believe it was --

**Mr. Cohen:**

Bill 2525.

**Mr. Udin:**

We requested of the director, I believe that the engineers either from Public Works or from ENC would have to examine the design in the specs on that. I would like to see whether or not our city inspectors have approved the construction of that wall.

**The Chair:**

I just caution my colleagues, this wall measures 36 feet at its base, and stepping back to 12 feet at the top. Everybody didn't necessarily get a chance to see the photo, but I question the safety of this wall. I am sure the gentlemen was well meaning and wanted fix up his property, but --

**Mr. Ricciardi:**

Obviously you raise a very legitimate question, Mr. President. I thought we had that responded to. I don't know these people personally, however they've put a great amount of money into their home and into their landscaping, into building this road and what they are asking for obviously here is a type of encroachment, a very small encroachment on City property. It was my understanding from the conversation I had directly with Ralph Kraszewski that it has received two site visits and it has been

approved both in terms of safety and in terms of construction. However, I do not have that in writing. That's what I have received from our Director of Public Works.

I am prepared to vote for this today, however I do caution my colleagues, if there is some concern or some additional questions, I do not have a problem in recommitting this. I guess what I am asking my colleagues today if there are others that feel the same way, that our President does, maybe it is best to speak up so this bill is not defeated and we recommit it. However, Mr. Kraszewski tells me that it is met the safety requirements and please believe me these people have put a lot of money into this property, they are investing into the area.

**The Chair:**

Would you object to a friendly amendment to this bill that says pending final review and approval by the director of ENC?

**Mr. Ricciardi:**

I think that is a great idea. That will both expedite the matter for taxpayer but at the same time give us the security of knowing that we are voting on something that is going to be safe for the residents. I would like to make that motion on behalf of the chair.

**MR. COHEN** seconded the motion.

**The Chair:**

Also to suspend the rules if there is no objection we will include a review and approval by the Director of Engineering and Construction. Any objection? All in favor.

Aye on suspension of rules and the friendly amendment.

Any other matter on Committee on Public Works? Hearing none, if in favor of the bills, please vote aye when your names are called, if opposed, vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferio
	(Pres't)

**AYES Eight NOES None**

The bills having received the legally required number of votes, have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2575.

Report of Committee on Planning, Zoning, and Land Use for November 6, 1997, transferring sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2515:

Resolution authorizing and directing the City Controller to create a fund, to be designated the keystone PITA Grant, for the deposit of monies from the PA Dept. of Conservation and Natural Resources or other

sources and authorizing the use of the monies deposited into said trust fund to: develop a detailed implementation plan for the creation of a wetland on Nine Mile Run site, and to produce a Master Site Plan for the City's four regional parks (Riverview, Highland, Schenley and Frick).

Which was read.

Also,

Bill No. 2516:

Resolution authorizing an Agreement or Agreements with consultant or consultants, vendor or vendors, related to the development of a detailed implementation plan for the creation of a wetland on the Nine Mile Run site, at a cost not to exceed \$120,000; and to the Production of a Master Site Plan for the City's four regional parks (Riverview, Highland, Schenley and Frick), at a cost not to exceed \$200,000. (The total cost of the Nine Mile Run Wetland Plan is \$120,000: \$60,000 of which will be provided by the City as the local match, and \$60,000 from the Pennsylvania Department of Natural Resources. The Total cost of the Regional Parks Master Site Plan is \$200,000: \$100,000 of which will be provided by the City as the local match, and \$100,000 from the Pennsylvania Department of Natural Resources).

Which was read.

Also,

Bill No. 2517:

Resolution authorizing and directing the City Controller to create a Fund, to be designated the Nine Mile Run Rivers Conservation Plan, Chart Field: Acct. 000000; Fund 5100; ORG 110000; Sub-

class PGHPR; P/G# 2256152; BY 1997; for the deposit of monies from the Pennsylvania Department of Conservation and Natural Resources or other sources and authorizing the use of the monies deposited into said fund to organize a study of the Nine Mile Run Watershed that will result in a plan for the conservation and restoration of the stream and for the development of a park in the steam valley.

Which was read.

Also,

Bill No. 2518:

Resolution authorizing an agreement with consultants providing for administrative/staff costs related to the Nine Mile Run Rivers Conservation Plan not to exceed \$65,000, chargeable to and payable from: Acct. 500000; Fund 5100; ORG 110000; Sub-class PGHPR; Proj./Grant # 2256152; Budget Year 1997.

Which was read.

Also,

Bill No. 2519:

Resolution approving conditional use Application No. 668 - for expansion of a bed and breakfast facility located at 703 South Negley Avenue from four guest rooms to eight guest rooms and to construct a three-story-and-basement extension, with a parking stall in the basement and seven parking stalls in the rear yard, on property zoned "R4" Multiple-Family Residence District, 7<sup>th</sup> Ward, Council District 8.

The Chair:

You have heard the reading and title of the bills, is there any discussion?

I would like to ask Councilman Onorato if he would be willing to recommit Bill 2516 regarding a so-called regional master site plan for the four regional parks? I don't know if I was speaking in tongues last week at the Committee Meeting or in a foreign language, but we had the Director of Zoning and Planning there for over an hour specifically discussing this issue, not only 9 mile run but the four regional parks. I get mailed today a group that I was never even asked to be on the board of already having four meetings including one in my Council District for November 16 through 17, implies that the consultant was already hired. I asked explicitly was somebody already contracted with to do the report -- to be the vendor, the consultant, to help plan out this master plan. I asked who would be on this group, what is the convening of it? I was very concerned that Highland Park -- I didn't notice any Highland Park names on the laundry list of people who are on this new group that now has a different name.

I applaud the group, they may have a role, but again I don't know why Council continues to allow us to be completely out of the picture. We are not invited to participate. I don't think any group of people on park issues in addition to the staff, than Councilmen. At least I do; I spend lot of time. I have over 2,000 people that work their butts off in Highland Park to build a super playground. There are a lot of people that want to volunteer and contribute creatively to the improvement and maintenance of our park system including the four regional parks.

I have people in my community that are landscape architects, designers,

engineers, carpenters, brick layers, all kinds of people that wanted to contribute. I would like an opportunity as an elected official to be involved in the process not only the selection of the so-called vendor or consultant, we are talking about \$200,000 here that is being spent. But if meetings are being convened in the Council District, I would like the ability to invite people that have a dedicated track record of working on park issues. We keep getting these things imposed on us. We are not invited to participate. It is the same problem we have with the down town plant. I just resent it and if it is going to be voted on today, I am not voting. I am very upset.

I don't know if the director was just not knowledgeable last week about all that's going on. God forbid we should have a parks director that comes to the table and actually talks about our parks, but I am very resentful of this. It typifies the Murphy administration MO when it comes to working with this Council. I am very aggravated about it. If it gets voted on today, I am not voting on it.

**Mr. Ricciardi:**

I am going to be very brief because obviously I hope this does get resubmitted for several reasons. First of all, colleagues Alan Hertzberg, Joe Cusick and myself have all talked about a regional block south and south west of the river. If we have seldom seen which is very nice we have the South Side Park along the plateaus that are many hundreds of acres of parkland and we always wanted to be part of the process. Also I listen very carefully to conversation with you and the director at the table and I was very surprised to get the letter myself, Mr. Ferlo. I scheduled all the meetings. Hopefully I will be at two of them. I am

hoping to hear comments from Mr. Onorato for his committee chair, but I do hope we resubmit this bill today. I am not going to vote on it today to be perfectly frank with this body.

**Mr. Onorato:**

I don't disagree with what anyone said here. Maybe I'm looking at this differently, but your reading into something I don't read. I know this group. I have heard of them. I see they're having one on Observatory Hill in my Council District. I know a few people that are on there and they approached me. I told them what I was talking about the last couple of months, one there has to be an agreement that Council has to approve on before anything happens if there is going to be any dealing within the parks on official functions. This is a bunch of civic minded individuals that are trying to do something that they think is good.

I think you are all out of line because you're implying that we are adopting that group. This Council hasn't taken one action to give away the operation of the park. This is about going to get state dollars to do a master plan for our four parks. That other group they are aloud to do what they want. As long as we don't give them anything and the administration doesn't give up our workers and doesn't give the parks away to do it, which they haven't. There has to be an agreement just like the zoo, just like the Phipps, just like the Aviary, this Council played a critical role. This may not be the group. But nothing in this legislation says that the Schenley or the new name conservancy is going to be hired and run these parks. If they are, there has to be a corresponding operating agreement that this Council has to approve.



On one hand I agree with what you're saying, but I don't think we should stifle creativity out there. I have about 20 people that participated in the Riverview Centennial Committee that are not on this group, not one of their names are on this group. But I am not mad at this group for coming together. When they came to me I even said, you can't use a name like Schenley Park if you are talking about all four parks because that would make the people on the North Side and Riverview and Highland and Frick it implies that we are giving favor to one park.

But they have a lot of ideas and it has to be funneled into a positive way that works. So instead of starting out on a negative way, I am just trying to keep the debate positive and recognize that they don't have any political astuteness coming from this group obviously. But at the same time, I don't want to bash them for something they really didn't do yet because they have no power over what happens in the City. It is up to us.

If you want to recommit it, recommit it. But I think it goes back to the fact that that's why we can't get these Keystone dollars. We never seem to be able to coordinate anything. I want to get a master plan for the park I represent. I want a master plan for all the parks, and we should have a master plan for the areas that don't even have a park. But we are not going to get anything if we don't move forward. This is just a money allocation on matching funds. We can deal with who is going to get it later and who is going to oversee these parks later when that agreement comes in front of us. There is a draft agreement that is supposedly coming over, which I know we will amend like we always do.

#### **The Chair:**

Let me clarify my point because maybe you miss understood what I was saying. I applaud any group that wants to get together to do any good for the City including the so-called Schenley Park Conservancy. I applaud that.

My concern is that the meetings are already being convened with the Planning Department, the Parks Department, at least in my Council District. I did not know about the meeting. I have a lot of people that would like to participate and be a part of the process. If the master plan is going to be successful, it needs to do outreach and involve people at the grass roots level who care about their parks.

As a District Council member, not only myself but everybody around this table, we are very active on park issues and we are an important linkage. We help link people at our neighborhood level that want to creatively participate and constructive ways to improve our park.

If the Schenley Conservancy Group or whatever the new name is one of those vehicles, that is wonderful. But its wrong for the administration to start out already having basically selected a vendor already starting out having four meetings that at least that we were not provided, at least I wasn't maybe some of you were providing an opportunity. I would like to be assured and have an ability to communicate people in my Council District that they can come and begin to participate in the master plan, everything from the RFP to help be a resource for how the RADD capital money needs to be allocated.

I am asking that this be recommitted

so that we can further clarify and maybe the problem is Parks is doing one thing and Planning is here because they are hiring the vendor, so we had an inadequate kind of incomplete discussion last week.

I resent the fact that I have to hear and read about it in the paper that a meeting is being convened in the district when I want to make sure that it is a better meeting. I want to help get people out to the meeting to make this truly something that's going to work. I demonstrated that by my work not by my mouth.

**Mr. Onorato:**

No one is questioning your work. I agree with what you are saying again. I guess I looked at that today and I was excited that we are having a meeting on Observatory Hill. I am going to have my 30 people that were on that advisory panel for the Centennial there to get the input and make sure they are part of this.

Maybe we are looking at this in two different ways. I think the meetings in the neighborhoods is a good idea. I have a notice today of all the dates and I look forward to participating.

**The Chair:**

I am all for the meetings. That is not my point.

**Mr. O'Connor:**

We can hold for one week if you want. Your point is well taken about the grants. We certainly don't want to stop at any grants. I think you have a good point as far as the renaissance, Mr. Ferlo, if those meetings go to Riverview or Highland and no one from that area is involved with the

structure, I think it's starting off on the wrong foot.

**Mr. Onorato:**

There is no structure.

**The Chair:**

Why weren't we invited to participate in the meetings?

**Mr. O'Connor:**

What I would like to do is I don't know if you want to hold it or make a motion that before this goes any further that people from those — that have represented work very hard are not over looked and are part of this initial planning.

**The Chair:**

I just feel that I am approving money for master plan. I am supposed to be involved in the hiring, and yet now we are delegating to some group that I don't even know who they are formally, and I don't have a way to tell my constituents how to participate. I resent that.

**MR. RICCIARDI** seconded the motion.

**Mr. Cohen:**

I would like to say a few words if I could. As I mentioned on Wednesday, I have had some involvement with this, when I heard about the group, I called them and volunteered to be involved. Councilman Onorato and I have gone to a couple of meetings. But that having been said, I agree with you.

I think even the Director of City

Planning agrees with you. She called me today. I believe she called you as well, maybe other colleagues and called essentially to apologize. I don't think she knew these were coming out as quickly as they were. So she suggested was, and offered to actually cancel these meetings and reschedule them so that Council members cannot only be apprised of them in advance, because that was a mistake, but also to make sure your that constituencies have an opportunity to be there.

There are two issues here. One is the substitutive issue of having volunteers out there, remember they are volunteers, to go out and raise money or use their services to rebuild the infrastructure of the parks. Everybody here agrees that that is a wonderful blessed thing.

**The Chair:**

Absolutely.

**Mr. Cohen:**

In fact, I went to one of their fundraisers and had the privilege of writing out a check to this group, but the other part is the process. Look this group is new. I don't think their savvy in the ways of city hall at this point and they need to be. What I would do is recommit this bill and Director Hirsh has offered to cancel all of these meetings and reschedule them. I think you do raise a good point, the people you got for super play ground or the people on the North Side got for Centennial of Riverview Park or what Bob O'Connor did with the Columbus Statue at Schenley or things happening at Frick Park, all those people need to be brought together. So let's do it right this time, but don't knock the idea and I know you are not doing that.

**The Chair:**

Absolutely not, I applaud the idea.

**Mr. Cohen:**

Why don't recommit it and I think Director Hirsh --

**Mr. O'Connor:**

Are those meetings being rescheduled do you know?

**Mr. Cohen:**

We just got the notice. I didn't know about them until I got the notice either. Director Hirsh called today and she offered to reschedule those meetings in a way that would be good for our calendars so we can get more involved.

**Mr. O'Connor:**

That would be a step in the right direction there.

**The Chair:**

There is a motion to recommit. All in favor? Opposed? Abstentions? The bill is recommitted. Other bills? If anybody from the Parks Department would like to join us at the table and discuss this issue tomorrow.

Role call vote on remaining bills.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen            Mr. Hertzberg  
Ms. McDonald       Mr. O'Connor  
Mr. Onorato         Mr. Ricciardi  
Mr. Udin            Mr. Ferlo  
                         (Pres't)

**AYES Eight        NOES None**

All the bills having received the legally required number of votes have been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2576:

Report of Committee on Housing, Economic Development and Promotion for November 6, 1997, transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2506:

Resolution authorizing the City of Pittsburgh to submit grant applications to, and execute relevant agreements with, the Pennsylvania Department of Conservation and Natural Resources under the provisions of the Keystone Recreation, Park and Conservation Fund.

Which was read.

Also,  
Bill No. 2507:

Resolution amending Resolution No. 447 of 1995 entitled "Approving the submission and budget for the 1982 Community Development Block Grant Program" by changing a line item in the

Department of Public Works (from Picket Fence Program to Graffiti Removal Program).

Which was read.

Also,

Bill No. 2508:

Resolution amending Resolution No. 445 of 1995 entitled: "Providing for the filing of an application by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1981 Community Development Block Grant Program", so as to reprogram funds in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program

Which was read.

Also,

Bill No. 2509:

Resolution amending Resolution No. 446 of 1995 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the Department of Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program" so as to reprogram funds in the Public Works Department (from Picket Fence Program to Graffiti Removal Program).

Which was read.

Also,

Bill No. 2510:

Resolution amending No. 443 of 1995 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the Department of Housing and Urban Development for a grant in connection with the 1987 Community Development Block Grant Program", so as to reprogram funds in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program).

Which was read.

Also,

Bill No.2511:

Resolution amending No. 818 of 1996 entitled: "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and urban Development for a grant in connection with the 1991 Community Development Block Grant Program, so as to reprogram funds in the Department of Public Works (from Picket Fence Program to Graffiti Removal Program).

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion? Hearing none, the bills are ready for final vote. All in favor, vote aye when your names are called. If opposed, vote noe.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen

Mr. Hertzberg

Ms. McDonald  
Mr. Onorato

Mr. O'Connor  
Mr. Udin  
Mr. Ferlo  
(Pres't)

**AYES Seven      NOES None**

All the bills having received the legally required number of votes, have been approved finally.

**MR. HERTZBERG PRESENTED:**

Bill No. 2577:

Report of the Committee on Lands, Buildings, and Procurement for November 6, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No.2425:

Resolution providing for the sub-leasing of a space located at 5232 Butler Street, Pittsburgh, PA 15201, in the 10th Ward, from the Lawrenceville Citizens Council, lessor, for the purpose of establishing a Community Oriented Police mini station, for a term of one year, at no cost to the City other than use of telephones and telephone line maintenance.  
**(SPONSORED BY MR. FERLO).**

Which was read.

Also,

Bill No. 2505:

Resolution further amending Resolution No. 266, effective April 26, 1996, as amended by Resolution No. 415, effective

June 17, 1996, as amended by Resolution No. 146, effective April 7, 1997, entitled "Providing for an Agreement or Agreements with a Consultant or Consultants for cable consulting services which shall include legal and accounting services as authorized by the Director of the Department of General Services, at a cost not to exceed \$40,000.00, chargeable to and payable from the Community Communications Trust Fund (CCTF), Index Code 250555, FUND 2815, ORG 124000, ACCT 526125, SUB 600, Department of General Services, Bureau of Cable Communications," by increasing the total allocation by \$20,000.00 from \$40,000.00 to \$60,000.00.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion?

**Mr. Cohen:**

Actually I don't know if Councilman Hertzberg also has some comments, its committee. I am sorry. But on the issue of TCI rates, we had a lengthy discussion on this last week. The fact that TCI has defied City Council by raising their rates despite the fact that we issued an order that expressly says that they are not allowed to raise basic rates. Per Council instructions, I met with Deborah Miskovich and Jacqueline Morrow and our cable consultant, Fred Poiner late Friday afternoon. We decided at that time and consultation with Councilman Hertzberg to direct a letter to TCI on Friday, which went out on Friday notifying them that they are in breach of the franchise agreement. That letter gave TCI fourteen days to correct that infraction and to do so by changing their bills so that they are not

charging for the increase in basic rates. So TCI has 14 days now to correct that violation. If they do not correct that violation, then the City will take further legal measures. I just wanted to report back to Council as to what the status of that was and we are going to pursue this very vigorously. Thank you, Mr. President.

**Mr. Udin:**

Just a question for the Councilman as to whether or not that procedure conforms with the FCC requirements of notification?

**Mr. Cohen:**

Yes it does, Councilman. We actually went through the franchise agreement pretty thoroughly and also had an attorney there who was very much knowledgeable about FCC law and he said it would satisfy them.

**Mr. Udin:**

Thank you.

**The Chair:**

Other discussion?

I believe there is a cable meeting this evening?

**Mr. Cohen:**

I believe they're having their two-year rated review this evening in these Council chambers.

**The Chair:**

No other discussion? If you are in favor of the bills, vote aye when your names

are called, if opposed, vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Seven      **NOES** None

All the bills having received the legal number of votes, have been approved finally.

**The Chair:**

Bill No. 2578.

Committee on Engineering and Construction for November 6, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2512:

Resolution providing for a Contract or Contracts, or use of existing Contracts for the Renovations of Volunteers and McBride Ballfields and for the purchase of equipment and materials for said projects; and providing for the projects at a cost not to exceed \$490,000.00 chargeable to and payable from various code accounts.

Which was read.

Also,

Bill No. 2513:

Resolution providing for a Contract or Contracts, or use of existing Contracts, for Street Tree Planting at Various Community Development Locations; and providing for the payment of the cost thereof, cost not to exceed \$50,000.00

Which was read.

Also,

Bill No. 2514:

Resolution further amending Resolution No. 1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by creating a new line item (Volunteers and McBride Ballfields.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, is there any discussion? Hearing none, the bills are now ready for final action. If you are in favor of the bills, vote aye when your names are called, if opposed, vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor

Mr. Onorato

Mr. Udin

Mr. Ferio

(Pres't)

**(MR. ONORATO VOTED NOE ON  
BILL 2513)**

All the bills having received the legally required number of votes, have been approved finally.

**The Chair:**

That concludes our Reports of Committee. Under Motions and Resolutions, any matter to be brought before the body?

I want to ask my residents to please not call my office if you are opposed to the

garbage tax. I am not voting for it. Please call my other colleagues or Councilman Ricciardi from Public Works or Mayor Murphy at 2626.

Any other matter to be brought before the body? We are going to approve

the minutes and the next meeting will be Committee on Finance will be Wednesday morning, the City will be closed out of respect and honor of our veterans and this Legislative Meeting stands adjourned. Thank you.

**ADDENDUM**

**Councilman Udin's comments on Bill 2522 can be found in the Standing Committee Meeting minutes of November 6, 1997.**



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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO ..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO .....Deputy City Clerk

Pittsburgh, PA  
Tuesday, November 18, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone and we would like to welcome especially all the guests in the audience this morning. At this time would you all please rise for the pledge of allegiance and would you please remain standing for a moment of silent prayer so we may have peace throughout the world.

We are pleased to have a 5th grade student here this morning, Ashley Knight, her mom is here, Ledi Walls and Ashley is a member of the safety patrol. She enjoys computers. She attends the Fort Pitt

Elementary School in my district and Councilwoman McDonald's district. Ashley is going to lead us in the pledge of allegiance.

#### Ashley Knight:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### The Chair:

Thank you Ashley. You did a great job. The City Clerk would like to present to you a flag of our nation and a flag of our City. We want to wish you and your family a happy holidays. Thank your school for letting you off this morning.

We have a lot of guests in the audience this morning, many to be recognized by various colleagues, we have a number of proclamations.

#### PRESENTATIONS

#### Mr. Cohen:

Would Joe Eaton and Gil Lancia come up please? Members of Council and members of the audience, it's an honor to present this proclamation. As Council knows certainly we are engaged in a struggle with TCI Cable Television Company with respect to their basic rates. TCI has put into effect a basic rate that is in violation of City Council's order so that struggle continues. But at the same time I wanted to recognize

the efforts of the Cable Advisory Board and what they are doing is kicking off a nationwide campaign for freedom of choice for cable subscribers.

As everyone knows that has cable television, when you by the basic or expanded basic package, you get a lot of channels in that package including channels that you never watch and aren't interested in watching. What this is about is to give customers freedom of choice. So that they can pay for and watch only those channels they are interested in watching.

I want to congratulate you Joe Eaton who is the Chairman, as everyone knows, of our Cable Advisory Board and Gil Lancia who is a very active member of that board for kicking off a national campaign to try to get the cable companies to provide what is called a la carte programming. But what that really means is for you to pay for only those channels that you want to watch.

**MR. COHEN PRESENTS:**

No. 2579 WHEREAS, over the last several years, cable rates have risen at more than double the rate of inflation in Pittsburgh and nationally; and

WHEREAS, Pittsburgh cable consumers do not have a choice in their cable provider since TCI has a monopoly in the Pittsburgh market; and

WHEREAS, TCI's practice of bundling channels together into packages which consumers must purchase as a whole results in consumers being forced to pay for some channels that they do not wish to watch; and

WHEREAS, bundled channel packages result in de facto negative option billing, a practice in which consumers are

unfairly required to purchase certain products they do not want as a condition of purchasing the products that they do want; and

WHEREAS, TCI could utilize its addressable converter technology to offer unbundled "a la carte" programming to its subscribers, thereby allowing subscribers to receive and pay for only those channels which they demand.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby request that TCI take steps to survey each of its subscribers to determine which channels each subscriber is willing to continue paying for and which they are not. TCI should consult with the Chairman of the Pittsburgh Cable Communications Advisory Committee and the Director of the City's Cable Bureau in drafting this customer survey.

AND, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh formally asks TCI to offer "a la carte" programming in order to meet the legitimate needs of Pittsburgh cable consumers.

**MR. HERTZBERG** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

Thank you very much. And I want to turn the podium over to Dr. Joe Eaton who has done so much in this area. A lot of research has been done in this area. I want to congratulate Joe and Gil and offer them both an opportunity to speak. Joe, please

accept this proclamation on behalf of City Council.

**Mr. Eaton:**

I just would like to take this opportunity to also thank one of our members, Johnathan Kurth, who is an attorney who provided a good many hours of pro bono research to give us background information to make it almost certain that the present marketing technique of bundling channels will probably not be sustained if it were to be challenged in the Western Pennsylvania Federal courts.

**Mr. Lancia:**

I would like to thank Council for bringing forward this resolution and for unanimously passing it. This is just a small step towards a long road for the General Public to know that they have a committee that is looking out for their interest and the interest of all that do have cable. I look forward to the position of one of our committee members will be sitting in on the negotiations and as an advisory of City Council.

I would like to thank the entire committee. That is the Council Advisory Cable Committee because it is a team effort to be able to bring these sort of motions to the public to let them know that we are out there we are going to be fighting for their interests and through people like Councilman Cohen, Councilman Alan Hertzberg, and all the other Council people that we have a force that hopefully will be able to bring it to fruition and some day be able to pay for what we get. Thank you.

**Mr. Cohen:**

I also want to recognize Councilman

Hertzberg for all his efforts in this cable area and also the Chair of General Services Committee and also Jerry Janucz in Councilman Ferlo's office who has done a lot of work and Johnathan Kurth who Joe Eaton has mentioned. Joe has also done lot of work in this area. Thank you all very much.

**Mr. Hertzberg:**

Individuals from Department of General Service responsible for the fine work on our public podium please come forward. Director Miskovich, Ray Klimko, Lucy Spruill and Fred Best, and hopefully Director Miskovich can direct the camera people working for her hopefully to direct the focus of the cameras onto the new podium in the center of Council Chamber. That's what this resolution is all about.

As you have heard other Council members and myself remark many times, we have within our Department of General Services some of the finest crafts people in the whole Western Pennsylvania area. Our Department of General Services in house did the work on the new podium which is now a podium that is going to be accessible to people in wheel chairs. That's what this resolution is about.

**MR. HERTZBERG AND ALL  
COUNCIL MEMBERS PRESENT:**

No. 2580 WHEREAS, the Americans with Disabilities Act ("ADA") provisions of the United States Code require that public buildings must be accessible to persons with disabilities; and

WHEREAS, City Council Chamber, located on the 5<sup>th</sup> Floor of the City-County Building, is currently under going

improvements for compliance with the ADA; and

WHEREAS, the Department of General Services accepted the responsibility for the modifications to make the public's podium accessible to individuals in wheelchairs; and

WHEREAS, the modifications to the public podium were recently completed and the product is of exceptionally high quality; and

WHEREAS, all City employees in the Department of General Services had a role in constructing and installing this fine new podium, but the following individuals from the Department of General Services were the most involved;

Deborah Miskovich, Director  
Raymond Klimko, Foreman, Master  
Carpenter & Podium Designer  
Lucy Spruill, ADA Coordinator  
Fred Best, Carpenter and Podium Installer

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the Department of General Services on the modifications to the public podium in Council Chamber.

THE CHAIR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion carries.

Mr. Hertzberg:

I will note this is on behalf of all Council members. Everyone has joined in this resolution and this proclamation

commending General Services on the fine work of this podium. Of course the ADA renovations are not complete in this Council Chambers, particularly the renovations to that door, which is being handled under the auspices of a different department, Engineering and Construction. To keep everything in the historic theme that it is in, to find someone to make that into an automatic door has been very difficult. However, the person has been identified and hopefully will have that part of the renovations completed soon.

In any event I am sure Director Miskovich would like to make a few comments here.

Ms. Miskovich:

Thank you very much, Councilman Hertzberg, Mr. President, honorable members of Council, ladies and gentlemen, on behalf of the Department of General Services I wish to thank you, Councilman Hertzberg, members of Council, for issuing this proclamation.

Before I make an initial statement, I would like to introduce by individual the people responsible for assisting in this project. To my immediate left is Lucy Spruill. Ms. Lucy Spruill I am pleased to say is a member of my department. She is the Americans with Disability Coordinator Supervisors for the entire City of Pittsburgh. It is Lucy's job to ensure that any new project, any construction, any renovations or the acquiring of any property are in compliance with the Americans with Disability Act.

To her immediate left is Mr. Fred Best. Mr. Best is a master carpenter with the Department General Services, Bureau of Repairs. Mr. Best as Councilman Hertzberg

indicated is responsible for actually constructing the podium.

To his immediate left is Mr. Ray Klimko. Mr. Ray Klimko is a foreman for all of the carpenters for the City of Pittsburgh and is a master designer as well in the architect for the podium.

To his immediate left is Mr. Robert Mill. Mr. Robert Mill is the supervisor for the entire Bureau of Repairs persons. I would point out to all present and to our listeners that with the Department of General Services, there are approximately 40 individuals who are responsible for maintaining in excess of 300 buildings and that is done under the auspices and through the direction of Mr. Mill.

Again to his left is the honorable Councilman Hertzberg, who is responsible and who has taken a keen interest in ADA issues and has been very supportive of our department.

At the beginning of today's services we had, led by Ms. Ashley Knight and the President of Council, a Pledge of Allegiance to the flag. We were all quick to say the words and we sometimes forget what the words actually mean. We indicate that there is liberty and justice for all. For those of us who are fortunate enough, those of us who have children and those of us who have friends and other family members with children, when those children are born, we look at them, we check their fingers, we check their toes, we speak to them to see if there is a reaction and then we praise the Lord that they are all intact and are well.

So many individuals in the United States and throughout the country suffer from disabilities from which they acquired at birth. Even more individuals suffer from

disabilities that are acquired during the course of their lifetime as a result of illness, accident or through unexplained circumstances, but none the less prohibit them from being able to access the same buildings, to enjoy the same pleasures.

There would be nothing more humiliating to those of us who have had the ability to walk on two legs, to see and to utilization of our arms, to have to walk into a business entity as simplistic as a bank and find ourselves at a level less than a child, not being able to communicate directly with another adult, to walk into a fast food restaurant and not be able to order without being given special attention and pointed out.

Something as simple as the issue of the podium in City Council may at first blush seem an insignificant issue and not merit your attention. But those of you who have had an opportunity to have been recognized by City Council who have wanted to participate in the process, in our political process, which makes our country so great, such as to speak at the conclusion of a Standing Committee Meeting for City Council, none of us felt more embarrassed when individuals were unable to access the microphone and speak as any other individual would.

The action of the creation of the podium and the additional action taken by President Council and the Mayor for the City of Pittsburgh and all members of City Council to have this building, in particular these chambers, made ADA accessible, may seem as an insignificant issue when we have so many problems in our lives. But for those individuals, who have not had the opportunity to be able to stand and make statements with regard to legislation that effects their lives and their countrymen, this

is a very significant issue.

With that, again it is with great pride that I am the Director of the department that performs such actions such as this and in particular that these men and woman did the work in-house without the aide of any additional assistance. Thank you very much.

**The Chair:**

Thank you to all the staff very much for your hard work. Lucy Spruill, thank you for your leadership throughout the City with all the different public buildings that we have.

**Mr. Ricciardi:**

If I may? I would like to thank the entire staff of General Services for adhering to the ADA policies but also for doing so much work in house and not contracting out. For example, not just the project today but the South Side Market House floor and especially the work that all of our fine individuals always have done on the McKinly Center, Senior Center this past year. It not only saves money but it is quality work and it shows that all this work should be done in-house.

**The Chair:**

Thank you. We all share that. We have many guests in the audience some of whom have Access and some who have to get back to school. We want thank you all very much.

**Mr. Cohen:**

I want to very briefly congratulate everyone. It shows we have skilled crafts people who work for the City of Pittsburgh. I want to thank Debra Miskovich and staff

and Lucy Spruill for something we can be very proud of every day.

**The Chair:**

Students and teachers from John Morrow School for human resources, Councilman Onorato's guests please come forward.

**Mr. Onorato:**

The entire class, 5th graders. Please come forward. Don't be shy.

As we are walking forward, Mr. President, I will read the names who are here. Genny Rouse, Maryann Lowe, Lucy Obringer. I think these are the parent representatives, active parent volunteers that are coming up too. Teachers, we have Marybeth Hertzberger and her fifth grade class, Carol Meretski, the school social worker.

Like I said, the fifth grade class of John Morrow Elementary School in the Brighton Heights section of the North Side.

Thank you everyone for showing up today. I know how you children were upset you had to leave the classroom, but unfortunately sometimes you have to do things like this.

**MR. ONORATO PRESENTS:**

No. 2581 WHEREAS, April is Child Abuse Prevention Month. Every year, Family Resources, Allegheny County Children and Youth Services, and other local organizations sponsor events and programs designed to increase awareness of child abuse throughout the month; and

WHEREAS, on Tuesday, October 14, 1997 John Morrow Elementary School pupils were presented with an award for their participation in the "Pennies for Prevention" Campaign conducted last April; and

WHEREAS, the students were given a plaque and a book of bound essays produced in the "What Caring Means to Me" essay project as part of the National Child Abuse Prevention Month; and

WHEREAS, the John Morrow Elementary students, through the help of coordinators Mary Beth Herzberger, a fifth grade teacher and Carole Maretsky, a developmental advisor, collected 50,000 pennies for a total of \$513.93 during last year's fund-raising drive to help abused children; and

WHEREAS, parent volunteers Ginny Rouse, Mary Ann Lowe, and Lucy Obringer donated their time and energy to count, roll and transfer the pennies.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates the students of John Morrow Elementary School, Principal Thomas Stiscak, the coordinators and parent volunteers and all of those who donated their pennies to help Family Resources in their fight against child abuse.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

Ms. Hertzberg:

I would like to thank Councilman

Onorato for this privilege and Council. We couldn't have done this without our parent volunteers Mrs. Rouse, Mrs. Lowe, and Mrs. Obringer and of course the students of John Morrow. They collected pennies for the whole month of April. This money from family resources goes to educating teachers, children about abuse. So, we thank you for this privilege.

I am going introduce one of my students Faleisha Lunsford who would like to speak on behalf of the students of John Morrow.

Ms. Lunsford:

On behalf John Morrow Elementary students, I would like to accept this proclamation with pleasure.

The Chair:

Thank you all for coming down here today. It's a great honor to have the students from John Morrow School here today.

Ms. McDonald:

All guests as well as the honoree for Eugene Lesesne come forward. Councilman Cohen, I would like you to also come forward because the church that is honoring Mr. Lesesne is in your Council district. The Church of Reconciliation on Fifth and Bell Field.

Thank you all very much for coming and I thank you, President Ferlo, for allowing me to have them come forward at this time because they have public transportation which a lot of senior citizens utilize. I also fuss in case they talk about cutting back on transportation budget for Access. It gets our seniors around. I am going to read the resolution, which speaks

for itself, and it is about this gentleman right here.

**MS. MCDONALD PRESENTS:**

No. 2582 WHEREAS, Eugene Lesesne, an African-American veteran of World War I, will turn 100 years old on November 19<sup>th</sup>;

WHEREAS, born in Sumter County, South Carolina, Eugene served in the Quartermaster Corps in France in the final months of the First World War. He moved to Pittsburgh shortly after his discharge in 1919 and has lived here ever since; and

WHEREAS, a quiet, unassuming person, Eugene Lesesne has lived a life of hard work as a laborer. Mr. Lesesne attributes his long life to the good habits instilled by his parents and their belief in the Lord; and

WHEREAS, as a member of Community of Reconciliation, an interracial, interdenominational church, Mr. Lesesne is actively involved in the church choir, where he sings tenor.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Eugene Lesesne on his 100<sup>th</sup> birthday, and extends best wishes for good health and good times.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Ms. McDonald:

This is a delightful resolution and I

am so proud when I first read about him, he sings tenor. I am going to read the people in attendance. Eleanor Lesesne, Eleanor is a member of my church. I just joined thank you, Ms. Lesesne. She keeps me in check. William Lesesne, Anabelle Bonner, Alex Bonner, Jim Lesesne, Elsa Lesesne, Lilly Lesesne. She got a black trail blazer award some years ago. Harriett McCray, Josephine Brittain, Timothy McCray, Muhammadi McCray, and Reverend Willis Ludlow, minister of Community of Reconciliation Church.

Thank you all for coming out. Did I miss anyone? Mrs. Ludlow and Ms. Harrison. I didn't recognize you. Thank you. That's it. Now what I would like is first if Councilman Cohen would like to make some remarks, then anybody who wants to make remarks and let's end it with Eugene Lesesne. You are going to say something?

Mr. Lesesne:

No.

Ms. McDonald:

It is his day, if he doesn't want to talk he doesn't have to. We will get Councilman Cohen and then you all decide who would like to come up to the podium.

Mr. Cohen:

Thank you, Councilwoman. I am very fortunate to have the Community of Reconciliation in my Council district, and that is why I stand before you. I just want to congratulate you, Mr. Lesesne, on 100 beautiful years. You don't have to say any words because people are often judged by their family and by their friends. You have golden tribute right here standing right behind you. So, I want to congratulate you



on having such a beautiful family and beautiful friendships, obviously witnessed right here today. Congratulations.

**Mr. Lesesne:**

Thank you very much.

**Reverend Ludlow:**

One of Eugene's good habits is he is the most regular church attender and a good singer in the choir. We are about ready to celebrate our church's 30th Anniversary at the corner of Fifth and Bellfield and we are honored to honor you today, Eugene. Thank you.

**Mr. Lesesne:**

We the family of Eugene are very proud of him and we would like to say that we have six generations of Lesesne's here in the City of Pittsburgh here today.

**The Chair:**

I want to say hello to my buddy, Lil who is here today. I go back thirty years with her with the Medical Committee for Human Rights. We want to welcome our State Representative, Mr. Gigliotti, who is here. Welcome.

**Mr. Ricciardi:**

I would like to ask our honored guests today if they would please come forward? We have with us today Jim Lavin and Joy Waudsley and a host of other individuals regarding the Dollar Energy Fund.

Colleagues and the general public, this is just a tremendous program. One that I myself did not know all the facts, but they

are reaching out to tens of thousands of individuals to help them keep comfortable and warm especially during the winter months.

The resolution itself is explanatory. I would like to read the resolution. I want to congratulate everyone and ask Mr. Lavine to please come forward, say a few words, and introduce his guests.

**MR. RICCIARDI PRESENTS:**

No. 2583 Whereas, in 1983 local religious, community and political leaders came together and formed a coalition to provide assistance and tangible aid to families and individuals experiencing difficulty affording adequate and safe utility supplies in order to maintain basic living standards; and

Whereas, the \$1 Energy Fund is a private, non-profit organization which has a unique partnership with seven utility companies; every dollar that is donated to the \$1 Energy Fund is matched by the utility companies, and every dollar raised is used for utility grants; and,

Whereas, the \$1 Energy Fund is now the largest fuel fund in Pennsylvania and the fourth largest in the nation serving 37 counties in Pennsylvania. In the past heating season the \$1 Energy Fund processed a total of 15,080 applications for assistance; and,

Whereas, on November 21, 1997, Columbia Gas, Duquesne Light, Equitable Gas, Peoples Natural Gas, Pennsylvania American Water, Trust-Franklin Press Company, The Shops At Station Square, and "Smooth Jazz" 104.7 WJJJ will come together, in support of the \$1 Energy Fund, to promote awareness of the plight facing

over 36,000 Pennsylvania residents with the theme "Your Dollar Helps Us Keep Your Neighborhood Warm". The festivities, which occur on Pittsburgh's celebrated Light Up Night, will include a jazz band, a decorating contest by Allegheny Valley School, celebrity guests, and a chance to win a \$1,000 Shopping Spree for The Shops At Station Square; and,

Now, therefore, be it resolved that the Council of the City of Pittsburgh recognizes and supports the good work of the \$1 Energy Fund in providing utility assistance for many of the low income families in Pittsburgh, Allegheny County, and the surrounding areas, and

Be it further resolved that the Council of the City of Pittsburgh declares Thursday, November 21, 1997, "\$1 Energy Fund Day in the City of Pittsburgh."

**MR. HERTZBERG** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**Mr. Ricciardi:**

You can see the fine work that this group provides. I really want to thank all of them, on behalf of all of us in the City of Pittsburgh and ask Mr. Jim Lavine to please come forward. Congratulations.

**Mr. Lavine:**

Thank you very much, Councilman. Our Dollar Energy Fund is a fund of last resort to assist utility customers in payment of their energy bills. Funds for the grants come from the dollar utility customers

generously add to their monthly bills. We trust you hear and those who are seeing us and listening to us on television add a buck for the out of luck.

We are most appreciative to City Council for issuing this proclamation to support our efforts to provide this necessary service to residence of the area.

This Friday the 21st as the proclamation says from noon to nine at Station Square, Dollar Energy will hold an exciting event to promote our efforts to protect over 15,000 households yearly from a loss of heat, light, and water.

Our thanks also go to the sponsors who have joined this effort to keep our neighborhood so warm. We have some of them with us today. From Smooth Jazz 104.7 Karen Kalbert Williams. From Columbia Gas, Elizabeth Foster. From Equitable Gas, Mickey Baker. From Peoples Gas, Fran Tuhill. The other sponsors who are with us are Duquesne Light, Pennsylvania American Water, Trust Franklin Press, Allegheny Valley Schools and Station Square.

We hope you will join us at Station Square this Friday to participate in the opportunities for drawings, to hear a lot of events and important people and to do your part to keep our neighborhood warm.

Thank you, Council, and those here very much.

**Mr. Onorato:**

Is Mr. Denardo, here with us? Please come forward. I am going to read this proclamation and then I am going to have him say a few words about the program.

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**MR. ONORATO PRESENTS:**

No. 2584 WHEREAS, residents of The City of Pittsburgh have earned a national reputation for their generosity supporting health, education, human service and religious organizations that improve the quality of life in our region; and

WHEREAS, annual gifts from U.S. citizens to charities now exceed \$120 billion, saving government billions of tax dollars while assisting those in need in a cost-effective manner; and

WHEREAS, Senior citizens are the most likely to include charities in their estate plans and Pennsylvania has the second highest state population of seniors, with metropolitan Pittsburgh second only to Dade County, FL when comparing regions; and

WHEREAS, The Pittsburgh Planned Giving Council wishes to encourage everyone to review their estate plan and consider including charities in their will or living trust; and

WHEREAS, The Pittsburgh Planned Giving Council wishes to encourage members of the legal and financial professions to ask each of their clients to consider charitable bequests in their estate plan; and

WHEREAS, The Pittsburgh Planned Giving Council has chosen November, 1997 as a time to focus special attention on the importance of planned gifts such as bequest, gift annuities, and charitable trusts as ways to leave a legacy to our community; and

WHEREAS, Pittsburgh's nonprofit organizations wish to publicly acknowledge those who have already made planned gifts to support charitable missions in the hope

that such recognition will encourage others to follow their example.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh, in recognition of the importance of philanthropy to improving the quality of life in our community and to encourage our citizens to leave their own legacy to this region by including their favorite charities in their will, living trust or estate plan hereby resolve that November, 1997 shall be declared LEAVE A LEGACY MONTH in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Mr. Onorato:**

Before I turn this over to Mr. Denardo, I want to say that the reason I wanted to introduce this and present this today, is because Pittsburgh has a long history of the famous, of the turn of the century, being industrialist and what they left to this region and we still benefit from other legacies. This is on a smaller scale, but on a smaller scale individually, but as a group we far exceed what they left and can definitely help especially on these tight budget times.

Mr. Denardo, thank you. You want to say a few words about the program?

**Mr. Denardo:**

I am the co-chairman of the Pittsburgh Plan giving Council Leave a Legacy Month Program. The Pittsburgh Plan Giving Council represents over 90 non-profit organizations in our area. On

behalf, I would like to thank all the members of City Council for helping draw attention to the Leave a Legacy Program. Through Legal Legacy we want to make our neighbors aware of the wonderful opportunity available to everyone of them mainly the opportunity to make a charitable request through their Will to their favorite charity.

Charitable giving, while not unique to America, is practiced more generously here in the United States than any where else in the world. Last year Americans gave over \$110 billion to charity, over \$8 billion of that amount more than all of the foundations giving in the United States was given to bequests in peoples Wills. Regardless of how much a person has accumulated during his or her life time, everybody should make a Will and through that Will each person can make a more significant charitable gift than he or she ever thought possible.

Wills and charitable bequests have nothing to do with how wealthy a person is. It is simply a matter of exercising personal control over where and whom your assets will go at death, it is your ability to make a difference, a lasting difference to the City of Pittsburgh and our region in general.

Thank you again for helping to promote to Leave a Legacy.

**MR. HERTZBERG PRESENTS:**

No. 2585 WHEREAS, Eli G. Thomas, son of Debby and Eli Thomas, is a member of the Boy Scouts of America, Troop #66, sponsored by the Sheraden Community Presbyterian Church on Allendale Street, in the 20<sup>th</sup> Ward of the City of Pittsburgh, Allegheny County, PA; and

WHEREAS, Eli has satisfied the Eagle Scout requirement of earning 21 merit badges, of which 11 are mandatory in the Outdoor, Fitness and Service Fields, and 10 are in the Fields of his own choice; and

WHEREAS, Eli was a Senior Patrol Leader; and for his service project, under his leadership, approximately 30 scouts and friends worked almost 200 hours at St. Matthew's Lutheran Church sanding, priming and repainting the fire escape steps; repairing and paving the concrete sidewalk; and building a stockade fence area for trash; and

WHEREAS, only those young men who have been outstanding in scouting, exhibit only the highest ideals, have the esteem of their community and fellow scouts, and serve in a position of responsibility and leadership obtain Eagle Scout status, the highest rank in the Boy Scouts; and

WHEREAS, through his enthusiasm, hard work and dedication, Eli has successfully fulfilled all these requirements and has been presented with the Eagle Badge at the Court of Honor ceremonies November 14, 1997;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Eagle Scout Eli G. Thomas on his recent achievement and commends him for his outstanding accomplishments.

**MR. ONORATO PRESENTS:**

No. 2586 WHEREAS, for more than 35 years Mr. Robert Colville has run the gamut of public service in all aspects of criminal justice and law enforcement; and

WHEREAS, this experience includes 20 years as chief prosecutor, 5 years as police chief of Pittsburgh, more than 1 year as assistant director of Pittsburgh's Department of Public Safety and more than 4 years as a homicide detective and uniformed patrolman; and

WHEREAS, it is this diversified background which has given Robert Colville a unique perspective as district attorney for a populous and diversified jurisdiction which includes the City of Pittsburgh and 129 police forces; and

WHEREAS, supervising an office that includes 90 district attorneys and 25 investigators, he has moved quickly and effectively into a leadership position in his community, working with business, civic, education, and religious leaders as well as police officials, to deal with the community's crime problems; and

WHEREAS, Mr. Colville decided upon a career in law enforcement and became a police officer. Prior to embarking into criminal justice he taught high school English and history and also served four years in the U.S. Marine Corps. During his tenure as a police officer he attended Duquesne University Law School and graduated in 1969. At this time he was named outstanding senior law graduate.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates and commends District Attorney Robert Colville for his 35 years of public service and his outstanding efforts for the residents of Allegheny County.

**MR. O'CONNOR AND MR. COHEN  
PRESENT:**

No. 2587 WHEREAS, in 1989, at the age of eleven, Richard Thomas Ernsberger joined the Boy Scouts of America and, over the course of the next seven years, distinguished himself through hard work and dedication to purpose, attaining the rank of Eagle Scout — Scouting's highest level of achievement; and,

WHEREAS, as a member of Scout Troop 380, led by Dr. J. David Carr and Dr. Andrew Krouskop, Richard earned twenty-one merit badges, the Order of the Arrow and, for his Eagle Project, leading a team of fifteen Boy Scouts, planned and built a woodland trail at the Beechwood Farms Nature Reserve; and

WHEREAS, Richard has carried on the Ernsberger family's tradition in scouting and now proudly joins the ranks of other Ernsberger Eagle Scouts which include his father Daniel Ernsberger, his grandfather, Dr. Fred Ernsberger and his uncles, Wesley and John Ernsberger; and,

WHEREAS, beyond scouting, Richard has distinguished himself as an honors student at Central Catholic High School where he is a member of the World Affairs Council, Students Against Drunk Driving, Stage Crew, Chess Club, and Human Rights Club and, he is active with the Shadyside Presbyterian Church's youth group, Habitat For Humanity, The Pittsburgh Project and youth baseball leagues; and,

WHEREAS, on Sunday, November 23, 1997, at 2:00 PM, an Eagle Scout Award ceremony will be held at Shadyside Presbyterian Church, at which time Richard Thomas Ernsberger will be formally awarded the rank of Eagle Scout.

**NOW, THEREFORE BE IT RESOLVED**, that the Council of the City of Pittsburgh does hereby extend its best wishes and congratulates Richard Thomas Ernsberger on the occasion of his attaining the Eagle Scout Award and, furthermore, commends Richard's parents, Barbara and Daniel Ernsberger, for their nurturing love and support that has allowed Richard to accomplish so much in his youth; and,

**BE IT FURTHER RESOLVED**, that the Council of the City of Pittsburgh, in recognition of Richard's award of Eagle Scout, does hereby declare Sunday, November 23, 1997, to be "Richard Thomas Ernsberger Day" in the City of Pittsburgh.

**MR. HERTZBERG** moved to adopt the resolutions.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**The Chair:**

Any other proclamations on the table? If not moving to presentation of papers.

**MR. COHEN PRESENTED:**

No. 2588 Resolution authorizing the transfer of Twenty Thousand Dollars (\$20,000) from the Auto Theft Trust Fund, Fund 2402, Org. No. 230000, Account 551700, Subclass 600, Budget Year 1997 to Org. No. 122000, Index 113407, Account 525500, Fund 1000, Subclass 150, Budget Year 1997, Miscellaneous Services, Department of General Services, for renovation expenses.

**MR. COHEN** moved to suspend Rule 8 by providing for consideration of the bills only

until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**THE CHAIR** seconded the motion.

Which motion prevailed.

No. 2589 Resolution authorizing the transfer of Nine Hundred Ninety Two Thousand, Three Hundred Sixty Seven Dollars (\$992,367) from the General Fund to the Local Law Enforcement Trust Fund, Department of Public Safety.

Which was read and referred to the Committee on Finance and Budget.

**MR. HERTZBERG PRESENTED:**

No. 2590 Resolution Providing for a contract or contracts, or for the use of an existing contract or contracts, or agreement or agreements for various repairs, renovations, and/or purchase of materials and supplies for the Auto Task Force Building and other City facilities, and providing for payment of the cost thereof, not to exceed Twenty Thousand (\$20,000.) Dollars, chargeable to and payable from Department of General Services, Org.: 122000, Account: 525500, Fund: 1000, Sub Class: 150, Budget Year: 1997, Miscellaneous Services, Department of General Services.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

No. 2591 Resolution Transferring the amount of \$2,800.00 from Code Account 1001-2, Salaries & Wages, As Needed, City Council, Account 511000, Sub-Class 010, Organization 101120, to Code Account

1001-1, Miscellaneous Services, City Council, Account 525500, Organization 101100, both within Fund 1000 for budget year 1997. (SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Finance and Budget.

No. 2592 Resolution Designating the Chartiers Nature Conservancy as a Rivers Support Group and authorizing the submission of a Pennsylvania Rivers Conservation Planning Grant Application to the Pennsylvania Department of Conservation and Natural Resources. (SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Planning, Zoning and Land Use.

MR. HERTZBERG moved to suspend Rule 8 on these bills by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills will be on the agenda this Wednesday.

THE CHAIR seconded the motion.

Which motion prevailed.

The Chair:

We have a long agenda tomorrow. There are a lot of zoning bills. I hope these various directors that are asking to waive these various bills will be present and patient and available with the information.

MS. MCDONALD PRESENTED:

No. 2593 Communication from Eloise Hirsh, Director of City Planning, requesting approval for Edward Henry,

Urban Redevelopment Authority, Bob Stumpp, Allegheny County CYS, Bob Hurley, Environmental Cities Initiative and Deborah Lange, The Brownfields Center to attend a strategic planning forum being held by the Department of Housing and Urban Development's Office of Community Planning and Development. HUD is making this forum available to selected Enterprise Communities and Empowerment Zones. This Community and Economic Development Seminar will be held from September 14-26, 1997 at Harvard University's John F. Kennedy School of Government in Cambridge, Massachusetts. Travel expenses for all participants will not exceed \$3,500. Funds are available from the Enterprise Community Grant Program Trust Fund Account (ECGPTF) Index Code 221630, Account 526100, Fund 5100, Organization 110000, Subclass PGHPR, Project Grant 2239506, Budget Year 1997. All tuition, room and board expenses will be covered by HUD.

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED:

No. 2594 Resolution Further amending Resolution No. 1018, effective January 1, 1997, as amended entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by moving the funding for Reconstruction of Wood Street, scheduled for 1998, to the 1997 Capital Budget.

No. 2595 Resolution Amending Resolution No. 165, effective April 15, 1997, entitled "Providing for an Agreement or

Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts for the construction of an addition to the Phillips Park Recreation Building and for the purchase of materials and equipment for said project; and providing for the payment of the cost thereof," by increasing the total project allocation by \$40,000.00 from \$1,100,000.00 to \$1,140,000.00.

No. 2596 Resolution Providing for a Contract or Contracts, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements for the Reconstruction of Wood Street from Liberty Avenue to Fourth Avenue including Construction Inspection Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof, not to exceed \$6,500,000.00 chargeable to and payable from Account 600000, Fund 5100, Org. 301000, Sub-Class PGHPR, Project/Grant 2231004, Budget Year 1997.

Which were read and referred to the Committee on Engineering and Construction

**MR. UDIN PRESENTED:**

No. 2597 Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapters 245, Earned Income Tax and 246, Home Rule Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for [1997] 1998..

No. 2598 Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate

on Lands and Buildings, by levying the real property tax for [1997] 1998.

Which were read and referred to the Committee on Finance and Budget.

No. 2599 Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map Nos. 6 and 7, by changing from "R4" and "R5" Multi-Family districts to "R2-T" Townhouse District certain properties between Brighton Road and Allegheny Avenue North or Ridge Avenue extending to North Avenue West, 22<sup>nd</sup> Ward, Council District 6. (SPONSORED BY MR. UDIN)

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. UDIN moved to suspend Rule 8 on these bills by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

No. 2600 Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 253. Parking Tax, by clarifying and adding definitions; changing the rate of tax; establishing trust funds; specifying revenue control equipment and adding reporting requirements.

No. 2601 Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article VII, Service Businesses, Chapter 763, Parking Lots, by adding requirements for the installation of revenue control equipment as



a condition of license issuance; expanding the scope of prohibited conduct and changing the license fee.

No. 2602 Resolution providing for the issuance of a \$7,127.26 warrant in favor of Carl A. and Geraldine Black in settlement of a claim in which improper street resurfacing on Rodney Street resulted in water run-off damaging claimants' retaining wall and porch; the issuance of a \$1,626.74 warrant in favor of Treasurer, City of Pittsburgh in satisfaction of an outstanding lien of Carl A. and Geraldine Black for a house razing, and the issuance of a \$146.00 warrant in favor of Treasurer, City of Pittsburgh in satisfaction of the Court costs relating to said lien.

No. 2603 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year beginning January 1, 1998.

No. 2604 Resolution fixing the number of officers and employees of the City of Pittsburgh, and the rate of compensation thereof, and setting minimum levels for designated positions.

No. 2605 Resolution adopting and approving the 1998 Capital Budget and the CDBG Program; and approving the 1998-2003 Capital Improvement Program, by adjusting various line items in conformance with City Council's 1998 Capital Budget Amendments.

Which were read and referred to the Committee on Finance and Budget.

**The Chair:**

Those last few bills will be

introduced and will come up next Wednesday but they will in effect have to be held until former votes on the budget, the operating, the capital budget, and the block grant budgets.

I would like some direction from Councilman Udin or the body, there are two bills that were read regarding the parking situation where there is a pretty fundamental change in the implementation of the automated system. There are two bills. I am wondering what's the pleasure, the Chairman or the body opened up discussion yesterday, is it the intent to allow public comment on those bills at the regular public input session, and talking about taxes, are we going to have separate public hearing, or are we just going to move the bills? There were a number of colleagues who wanted to have an opportunity to hear from affected parties. I don't know how we are going to do that unless we either post those as separate hearings or integrate them into public input hearings.

**Mr. Udin:**

I anticipated having them as a separate hearing.

**The Chair:**

Can we waive rule eight on those two bills so we can schedule a separate hearing?

**MR. UDIN** moved to suspend Rule 8 on No. 2600 and No. 2601 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

The Chair:

That concludes our presentation of papers. Any matter under unfinished business or reports of special committees? Hearing none, Reports of Committee.

#### REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 2606:

Report of Committee on Finance and Budget for November 12, 1997, transferring a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2572:

Resolution authorizing and directing the Director of Management and Budget to enter into a professional service contract with a vendor for the purpose of researching, analyzing and formulating a Pittsburgh Plan B as it relates to raising revenue to support economic development initiatives; and authorizing the creation of a Pittsburgh Plan B Working Group. (SPONSORED BY MR. FERLO)

The Chair:

You have heard the reading and title of the bills, any discussion?

I would like to indicate to my colleagues, you have an amended bill on the table. I think we tried to take into consideration everyone's concerns expressed at the meeting last Wednesday. This is a proposal that would create a 40 member inclusive broad-based planning and analysis

body, a working group that will review various proposals. There is about 16 proposals that are listed in the resolution itself. There are other resolution which have been discussed publicly by various individuals, elected officials, community groups, business groups, the public who has expressed themselves since the failed and flawed referendum vote a few weeks ago.

This resolution which preliminarily was approved and received by Council last week would set up a Pittsburgh Plan B working group. It is to be non-partisan inclusive. The amendments added are pretty self-explanatory. There was concern about clarifying the need to expand the Convention Center in support of the Pittsburgh Cultural Trust. Other ideas were brought up regarding County Controller Lucchino's suggestion regarding bond issues, appropriately funding future stadiums, including the possibility of private ownership in the future of the sport stadium, issue of park - partial public ownership in terms of public stock offering, the regional assets district funding, which is a proposal now being suggested and communicated by State Senator Jack Wagner. Specifically asking that this Committee be formed if the Mayor does not agree to participate and help lead this, which it is very much our hope that he will help lead this. We will none the less take action in thirty days to move on this.

We are concerned that elected County Commissioners from other counties be represented as well women organizations, professional women groups, and others who have been active on this issue of Regional Renaissance. Representatives from young peoples organizations, professional youth groups and others who have been very active, and a number of specific organizations. Importantly we want to make

sure we have formal representation from the stadium authority and public auditorium authority and the major league sports teams themselves and other key players that the Mayor may choose to identify from Pittsburgh Regional Renaissance Partnership.

This working group will be inclusive including members of Council, all of our colleagues who are willing and able to participate given the budget constraints. There is concern obviously, which I support that the working group to the extent possible can conduct some type of public hearing process to broaden up the discussion as much as possible. This is seen as not a long dragged out committee working for the next year. This is seen as a hard working task oriented group. The next couple of months is going to come back and try to reach some consensus toward the Regional Renaissance issue, the stadium issue in particular, the convention Center in particular and whether or not there are more appropriate funding sources or revenues of which I think there are than the recent proposed half percent sales tax.

Any objections to any of the amendments or comments? If we can speak on the amendments, either further clarifying them, or further changing them.

We have to amend the bill with these amendments.

**MR. UDIN** moved to amend the bill.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

The Bill is now amended and is now

the document you have before you.

**Mr. Udin:**

I wanted to comment on the -- not so much the structure on the committee or the task force, Mr. President, but the process. The one benefit I think we received from the Regional Renaissance Referendum is that it engaged the citizenry and a dialogue and conversation about how to best provide for the needs of the region. I would hope that this task force not just research books and statistics, but find a way to provide input from the Citizenry throughout the region as to how the people of this region feel about these projects and how they feel about the funding of them.

It not only makes good sense in terms of tapping into the best ideas available in the region but it also builds a base of support because the people who are ultimately going to have to pay for it and vote for it are the citizens and the taxpayers. I hope we are not setting up something that is just going to be an exclusive group of task force members who are calling on being counters and other kinds of accountants and professionals and forget to involve the citizens and the taxpayers in this whole process.

**The Chair:**

I would want to respond quickly. I would ask and highlight the comments that I wrote in Section Two. This Pittsburgh Plan B working group will serve in a voluntary capacity, but will formerly present a working group report that will serve as public policy document and lobbying tool for governmentary legislative, local government visiting sector and community based support of various strategies to fund new sport facilities and economic development

initiatives in Pittsburgh, the County and the region.

The point is not just to do the financial analysis, we want to have it verifiable and realistic, there is a lot of debate. The last question about what actually -- something was going to generate. We want to have this working group have some resources either in kind, pro bono or we have to secure them, which I think there would be a lot of support services. But to build toward consensus through this two month long process, but as you well point out, the goal would be to have some consensus building document strategy that would won community and public support. The strategy here is to involve the community and the public in the process itself building towards that consensus issue.

**Mr. Udin:**

If I could add one other point? I will be brief, Mr. President. I think it is important also that the Committee look at ways of not only building up the physical infrastructure in the region but the human infrastructure in the region as well. There are a lot of people who could be helped in their economic and social condition if this renaissance or this effort, whatever it is, is broad enough and deliberate enough to reach out and incorporate people who have been, many have been, left unemployed since the collapse of the steel industry.

We really need to find ways to deliberately and consciously rebuild the human infrastructure in this region as well as the physical infrastructure. I would hope that this committee would look at that as well.

**Mr. Ricciardi:**

On the amendment bill, I first would like to respond to Councilman Udin. I whole heartedly agree with him regarding helping individuals in this region. Raymond Reeves has written some very good pieces regarding -- in one of our local newspapers and he touched upon that and I think that is very important that we also have to look into.

I am going to be very brief. Genuinely I would like to commend you for your fine work on this. I think the bill is very well drafted, but what it is doing is bringing people together to focus and work together on an issue. Instead of all these little groups working around someone finally stood up and said I am going to take the lead and try to bring people together. I want to thank you for that.

I also want to thank you for the amendment. However, regarding page three, that if the Mayor does not appoint the working group that we will then have to take it into our own hands. It is so important for Mayor Tom Murphy and the three commissioners to really take a lead on this. I hope they respond to this legislation immediately. However, within 30 days if they do not, I am very earnest about this, colleagues, I think we really have to appoint either Mr. Ferlo as sponsor of the bill or a combination of small working group in this own body and take the lead on this.

This is not a fluff bill. I read this very closely. I talked to the President and heard you on a few talk shows. This is not a fluff bill. This is not one for public relations, but this is for really moving the region ahead together. We are not going to be criticized as we were for example on the Civilian Review Board when it comes to some of our appointees. Some of our appointees did represent maybe a small

segment, maybe the academia or maybe the corporation or whatever, but this is really getting to people who are really going to end up paying the bill. Maybe coming to the South Side and getting some merchants on board. Coming to the Allentown area, getting some community activist on board, coming to the Arlington area, getting part of our religious community on board, if I understand it correctly, Mr. Ferlo. That is what I am excited about.

**Mr. Onorato:**

First of all, I agree 100% with the intent of the bill. I think it should have happened all along by bringing everybody together. I'm going to support the bill obviously. I can't stress enough that no matter what we pass today and no matter what it says, and I think it hits all the key points that I support, we need the Mayor's office and the Commissioners office to actually do it. No matter what we do and if they would ignore this and they weren't in the loop, those offices are too critical to kill any deal. They have to be part of it. I would hope if there are any concerns be at the funding side of it or any particular segment of the bill, that that gets addressed as opposed to looking just at the concept. I think it is the concept we are voting on today that is more important than the actual specifics of the bill and that is bringing everyone together.

I just have one question for the sponsor of the bill. I think I know the answer, but I just want to clarify it for the record. Several locations in the bill you actually give examples of specific names, they are only there for example, the way I am reading this. Is that correct?

**The Chair:**

They are there for example, but I thought it was important for Council to express the concern about the inclusive nature of this working group be individuals that may have fundamental disagreements and may not even like each other. But I think it is important that this group include at least my strong recommendation it is up to the Mayor and I hope again, there is no proud of authorship here. We need the Mayor. The Mayor is the key player in this whole issue. I would hope that we can let down our defenses a little bit to the extent that we have individuals like representative Walko or Commissioner Dunn or Chairman Kramer or others who may have been in the past totally opposite each other in terms of their views in terms of the Regional Renaissance issue. I think this body has got to get everybody in the room together and we will fight it out.

**Mr. Onorato:**

I do agree with you on the concepts of the board has to have individuals that were on both sides of the referendum question.

**The Chair:**

That is what we are trying to express.

**Mr. Onorato:**

That has to happen. If it doesn't, it is set out for failure again regardless if it is lopsided on one side or the other it has to have both in there and be evenly split. So, I do support that idea too.

**The Chair:**

I would also hope, and when I get in the room with these individuals I think there are some tax bill issues that need to be

discussed. There are things that we can move on within the City of Pittsburgh, things that we can move on within the county. There are other things that may be multi county in nature. I think part of the groups charge is to build consensus at each one of those different levels and maybe even actually have a strategy that we may work now within the ability of the City to move on our own resources and our own ability legally. Some may require state legislative action. I think we need to lay out a scenario where there can be consensus at different levels and actually maybe a multi strategy of movement towards different actions. I mean if state legislature enables us to do something with the amusement tax for example, that's one action, different than let's say the state government starting a state surcharge of sales tax solely on sporting admission tickets.

Part of what this working group will do is kind of fair out the different issues and what are the stumbling blocks and implementation towards those the different issues.

**Mr. O'Connor:**

Actually that was one of the issues I saw. I think you have addressed it very well that this large of a committee is to challenge to do anything with this large of committee.

What I think with the Renaissance Initiative showed whether you were for it or against it, with the \$5 million marketing they put out, is this region not just this City has a problem. If you are ever going to cure a problem, you have to admit you have a problem. Lets take the positive part of that and saying yes Pittsburgh ranks 47 out of 50 City's in new businesses, employment, but as Mr. Udin said there are still steel workers that have not recovered from 20 years ago.

I don't think anyone in this room or anybody in political office has to say it is our fault. Who cares whose fault it is? There is no sense laying the blame for the past. But I think you really took the initiative. I think it shows here. There hasn't been leadership here in the last 20, 30 years. No one has grabbed this think and said hey, let's start working together. I think that is one of the major problems, our down fall. I want to commend you for bringing us together.

My point though as far as getting things done and I think maybe as you said, let's face it the stadium issue, the Steelers issue can't wait a year or whatever. Those things we have to look at right now. Out of your suggestions here, it maybe one or two may solve the problem, but we will need help from Harrisburg, whether it be the county, and these are the things that have to be addressed right away. I would hope that as this committee comes together, sub-committees are put up, who is going to address the stadium issues, who is going to address the convention issue? I think if it is going to work that it has to be broken into smaller pieces. Certainly what Mr. Udin said the human factor here whether we get the community and the churches involved we have suffered enough here. I think let's admit we have a problem, let's solve it. This is certainly the working group together.

Another thing with the initiative -- that was doomed to fail because no one was brought in, or not enough people brought in especially from the outer counties. I want to applaud you on this. I will support it, the only thing I question, I have the money whether it be our responsibility or combined group, again the committee may be able to explore those options with three or four sections of government dividing it. I think it shows a partnership, at least a good faith

initiative on their part if we can combine that 50 thousand or whatever the numbers may turn out to be.

**Ms. McDonald:**

I echo every ones comments as far as applauding you, Councilman Ferlo, for taking the lead and actually putting something together that is concrete instead of just dialogue. I just want to comment. You had asked for comments on the amendments. I want to say that I was in my office yesterday afternoon frantically typing up amendments to prepare for this morning. Councilman Ferlo's aide as well as Councilman Ferlo himself had come into the my office and said what do you need changed so we can just do it all at one time instead of all these amendments being thrown around.

I appreciate you convening all of us together so that we are not handing individual amendment at the table. But you took care of it already. So again, that brings it together. I particularly appreciate the amendment for Section two making it bi-partisan; it is the only way it is going to work, definitely for including woman. It has been a real sticky point for me. In fact my staff member had recently just attended a session on women elected officials and I just want to quote from this what I mean about women. Eleanor Roosevelt wrote I believe we will have a better government when men and women discuss public issues together and make their decisions on the basis of their differing areas of concern for the welfare of the families and their world.

We have to -- it has to be a dual effort. Even though I was tempted to put in some baseline numbers like I would like to see a certain percent, I do believe as no different than we have convened other

groups that once the names are out there we just have to look at the over all package and see it is balanced. I have confidence that we all will make sure that it is balanced in terms of diversity, gender, geographic location, etc., that it is in deed balanced.

I asked Councilman Ferlo about the names. Why did he put in those names, Commissioner Dunn and Dawida? What happened to Kramer here? What his intent was for general public and what he told me which is laudable is that he wanted to convey to the administration when they sign this legislation that this is not just for appointment of people who were for it. This represents that we need both sides. We need pro and we need con. Bringing names into it adds another dimension that we want to be balanced.

I applaud your efforts and look forward to the signature by the Mayor.

**Mr. Hertzberg:**

I whole-heartedly support the resolution and its amendments. I don't want to repeat the comments that have already been made. But I certainly commend you, Mr. President, for doing this. From what I have been able to read since the Election Day, no one else has proposed the process like this that says comprehensive and all-inclusive.

So, I am very hopeful that the Mayor and all the other elected officials and all the other unelected officials that have shown an interest previously will take this resolution seriously and work with all of us on it.

**The Chair:**

Any other comments?

**Mr. Cohen:**

Also I applaud you for your efforts. I think the focus has been since the defeat of the referendum, the focus has been on ideas that various legislators or other elected officials and non-elected officials have made. But they have been ideas that have been floated like a wing and a prayer and have no mechanism for turning them into reality. This is a mechanism that you have created; I hope it happens. I guess that's my only concern is that it really happens. I frankly think that 30 days maybe even too long because of February 28, 1998 deadline for the Pirates. Obviously, but just please know that you will have my 100% support to try to help make it happen. I don't know if we have gotten any response from the Mayor or the Mayor's office yet, if so you can comment on that. But we need to move very quickly.

**Mr. Cusick:**

I want to chime in for and just thank you for your leadership in regards to this issue. It is something that I think has been talked about for a number of months only but I think what has happened in the last election that we all ought to be happy for. That at least we got something going in the right direction. At least the election and whether you voted for or against the initiative, we now have something and I thank you for bringing this to the table. We now have something that we can start working forward towards. I just want to chime in and again applaud your efforts.

**Ms. McDonald:**

Just a technical point. Since the legislation is really for an allocation of \$50,000 and some of the comments about the group even though capped at \$40,

personally I think it is going to exceed \$40. It is an inclusive group that there are concerns that maybe in unruly especially because there are elected officials on there and you know how we are. What I would propose, not an amendment, if we get \$50,000 allocation, which I believe we will even from private sources that want to improve the region, that it also include a facilitator. Not just someone that is going to do an analysis of the numbers or ideas, but some type of assessment, but there needs to be a very strong facilitator included in this allocation and that way it will not be so unwinding.

**The Chair:**

I agree. Thank you. Any other comments?

Hearing none, those in favor of the bill please vote aye when your names are called. If opposed vote, noe.

Let me make one last point. I want to stress that there has been a plethora of proposals coming out for various individuals and elected officials since the failed vote. This bill has listed an enumerated number of different options is not lobbying or suggesting anyone necessarily. I want to reiterate the urgency of this process. I know and we received a memo from State Senator Jack Wagner who has proposed a methodology relative to basically taking some of the RAD money and commitment that sets off a lot of different things that City government will be affected by, some I think adversely. So the urgency issue here is very important. Because other elected officials have the ability and have the aware with all to do whatever they want legislatively. So I think the sooner we start getting this process underway, I think its very important especially as it relates to financial and



viability health of the City of Pittsburgh.

If in favor of the bills as amended, please vote aye when your name is called. If opposed, vote noe. Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

The bills having received the legally required number of votes, have been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2607:

Report of Committee on Housing Economic and Development for November 12, 1997, transferring sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2540:

Resolution Authorizing the Urban Redevelopment Authority of Pittsburgh to Acquire all of the City's Right, Title, and Interest, if any, in and to the Publicly-Owned Property in the 18th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 4-H,

Part of Lot 77, and Block 4-M, Lot 147, under the Residential Land Reserve Fund (Council District No. 2 - 49 Bailey Avenue - Residential Construction). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 2541:

Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Kirk Development Company II for the Sale of Block 4-H, Part of Lot 77, and Block 4-M, Lot 147, in the 18th Ward of the City of Pittsburgh (Council District No. 2 - 49 Bailey Avenue - Residential Construction). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 2542:

Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Ansonia Place project and providing for the payment of the cost thereof (Council District No. 4). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG).

Which was read.

**The Chair:**

You have heard the reading and title

of the bills, is there any discussion? Hearing none, we are now ready for final action in passage of the bills. If you are in favor of the bills, vote aye when your names are called, if opposed, vote noe. Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Ferlo

(Pres't)

**(MR. HERTZBERG ABSTAINED TO BILLS 2540 AND 2541)**

The bills having received the legally required number of votes have been approved finally.

**MR. HERTZBERG PRESENTED:**

Bill No. 2608.

Report of Committee on Lands, Building, and Procurement for November 12, 1997, transferring a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2539:

Resolution providing for a Contract or Contracts, or use of existing contracts or agreement or agreements for the renovation of the Spring Hill Fire Station No. 53 located at Homer and Damas and for the purchase of materials, supplies and equipment or services for said project, and providing for

the payment of the costs thereof. Cost not to exceed \$20,888.00.

Which was read.

**The Chair:**

You've heard the reading and title of the bills, is there any discussion? Hearing none, the bills are now ready for final action. All in favor vote aye when your names are called, if opposed voted noe.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Ferlo

(Pres't)

**AYES Eight NOES None**

All the bills having received the legally required number of votes have been approved finally.

**The Chair:**

That concludes our Reports of Committee. Under motions and resolutions.

**MOTIONS AND RESOLUTIONS**

**Mr. Ricciardi:**

Colleagues, there are a few items in the 1998 budget that I believe needs further clarification and detail even before some of the budget hearings begin and that is the agreement or the lack of a cooperation agreement before this body putting our workers with other workers. For example,

in this case Allegheny workers.

Number one, I don't object to it on the face value. But I am not going to just permit our workers to be relocated, possibly supervised by others without some detail. I believe that there needs to be a cooperation agreement put forward first. So I would ask our City Clerk to make sure we are in the understanding. If the administration agrees with me and hopefully with all of us that a cooperation agreement needs to be put into place, we can debate the issue. If they say a cooperation agreement is not needed, I will be introducing legislation next week mandating that any time our workers are off site or working with workers of other organizations or governmental entities that a cooperation agreement is needed. So in effect, I am telling the administration to come forward or I will do it through mandate.

I want to know about supervision, I want to know about the pay scale, I want to know about discipline and how that would take effect. I also want to make sure that our workers are protected from layoffs and keeping in mind that we are county residents. I believe we have an obligation to county workers also. I want to make sure that this is not just some sort of game that the County Commissioners are playing, once our people are in place, doing work that their people are laid off. They are now talking about layoffs. There is no way they are going to use this body as any type of ponds to lay off county workers.

Hopefully my colleagues will agree with me. In essence what I am saying, administration come forward with cooperation agreement that we can vote on, or I will be introducing one next week. The administration is talking about our paint shops, our printing operation, they are

talking about our 911 center and they are also talking about people from public works being supervised by PWSA workers. Hopefully I have made myself very clear. Hopefully the administration will save me time that I don't have to draft legislation mandating cooperation agreements. I thank you for that, Mr. President.

#### **The Chair:**

We need to clarify this because there are at least four issues, major issues, as you pointed out that are before us. But they are before us relative to the budget and the assumption is if we approve the budget, then we are giving our sign off on these various agreements.

The print shop, the sign shop, the paint shop, the 911 consolidation with the county and the Rockwell building in closing the Second Division and EOC operations of 28th and 30th and Smallman location and the DBW County supervisory relationship.

I want to ask the clerk to do some research. I don't know if the administration is using some general cooperation agreements that we approved I think four or five years ago even when Commissioner Foerrester was still in office, I think it was during the first couple of years the Mayor's term, the previous term. I don't know if they are using those which were general resolutions, that they are using those to refer to in terms of consummating these agreements or not. I would ask the Clerk to communicate to the Law Department and to OMB and try to resolve this issue that Mr. Ricciardi has raised. Because if they are using those resolutions, we might have to recall those resolutions either repealing them or if we were seeking to modify them and addressing some of your issues. If they are seeking new cooperation agreements, they

are going to have to try to explain to us and reconcile the adopting of the budget with the actual implementation by way of a cooperation agreement.

So, I think Councilman Ricciardi understands what I am saying. I would ask the Clerk to please follow up with the Law Department and OMB, on Mr. Ricciardi's issues and research the past general cooperation resolutions that were approved I think about four years ago.

**Mr. Ricciardi:**

Then you agree with some of my concerns? You appreciate my concerns, correct?

**The Chair:**

I will speak at the budget; we have a Public Works meeting this Thursday at 10 a.m. I believe it is, there are a lot of these issues that are going to come up. I know my neighborhood is very alarmed about the closing of the Second Division. I invite those representatives down. I know Councilwoman McDonald had a number of residence and community groups from Homewood and Point Breeze, and those communities, East Liberty. So, I invite the public to be down here Thursday at 10:00 to hear the discussion regarding a number of these issues. I am very leery about the sign shop and the paint shop operation.

We have enough to do with the value of what we are doing now. We have a great group of workers and equipment and technology down there and some of these things, I am just leery about this notion of merger for the sake of having a merger and looking like we are consolidating government or being more efficient. I don't know if it is going to be more efficient.

There is enough struggle right now to get certain things done and the bureaucracy that I am very leery and very worried about what that means in these county agreements.

The 911 I am very upset about. We have a great 911 system. We are collecting and have been collecting millions of dollars in the last four, five years from 911 fee, the dollar on people's phone bill. I am not suggesting that we shouldn't look at better ways to do local government and including discussing with the County. But the old saying, if it ain't broke, don't try to fix it. We have a great EOC operation, a great 911 center, the reason why this Council, at least myself voted for the 911 fee on people's phone bills is because that money was to create a pull of revenue for purchase of new technology and equipment. I don't know if there is another agenda here regarding land development at the EOC and Public Works Division, I don't know if that is what is driving this or some other agenda. Whatever it is, I hope we get out on the table on Thursday.

**Mr. O'Connor:**

Everyone is on the same subject. I have concerns that at one time we merged with the 31st Ward where the county was doing our streets.

**The Chair:**

That was a disaster.

**Mr. O'Connor:**

Actually when the County was doing it, it worked better. Now I don't know if it is in limbo.

**The Chair:**

In our area we had trucks going out to Allegheny River Boulevard and forgot the parts of East Liberty, Homewood and Highland Park.

**Mr. O'Connor:**

If it worked for us in the 31st Ward, I don't know where it is now. If we even consider closing divisions, what they are talking about. I haven't seen any leaves picked up in the Squirrel Hill or Shady Side area at all, Highland Park in I don't know how long. They have to be at least two months behind. I know they are short staffed. Evidently we better start looking at taking care of what we have. I hope they have some answers for us in this Thursday's meeting before we start combining divisions. I am very unhappy with at least the last couple of months of what I have

**The Chair:**

Councilman Udin expressed yesterday, but not only these four issues but the cable issue, closing the cable January 1, the garbage fee, defining a whole new system, the parking. I am just very concerned. When you are trying to work with this administration you want to be supportive of some of their initiatives, I applaud the Mayor for introducing a number of issues, some were very tough decisions. But to put it all on the shoulders of this Council and public during the month of December, when we are supposed to be doing the budget yet in a way the administration is getting over on the process because they are lumping everything together and it is like an up and down vote on the budget. But voting on the budget, you are also redefining all these governmental relationships. I for one, other colleagues maybe don't seem to be as upset, some are

and some not. I am a little bit concerned about the manner in which we have kind of grouped together all these different things.

The 911 consolidation out of Rockwell is a very controversial issue. It is being lumped together in the annual budget proceeding like cable, garbage, print shop, sign and I am very upset about the manner in which that this is being done. I am all for willing. I am willing very much to sit down and explore anything that the administration wants to explore. I am very fearful that the public is being shortchanged in this process including our own work force and the economy of scale that we are looking for. I am worried we are going to rush the judgment on the budget and the administration is going to presume that we have in effect signed off on these different arrangements.

**Mr. Onorato:**

I want to say that the prior cooperation agreements with the county, at least in my district, I was not pleased with. It made sense. It sounded good because the City was going to help do some of the bridges that crossed the North Side to downtown that are county bridges. However, there was another part of that agreement that I don't think any of us knew. We had City workers going into Ross Township picking up some of the streets on the fringes. I want them in the City. I have streets in the City that they have to hit. I want to be very careful what we are doing here. I want City workers

**The Chair:**

I was using that as an example.

**Mr. Onorato:**

I know. I don't think it was smooth. There were a lot of problems with that, at least in my Public Works Division, there were problems. I want to be very careful what goes on here.

**The Chair:**

And same likewise with us. We lost trucks that we always could rely on in Morningside, Stanton Heights, Highland Park, out Washington Boulevard, out that Butler Street Corridor, which is a very important corridor for morning and evening traffic only to have our trucks way out Allegheny River Boulevard towards Verona and Penn Hills. There was no qui pro quo. Maybe it worked a little smoother for the 31st Ward--

**Mr. O'Connor:**

I think the reason it worked there, was because it is such a far extension and the county was there. So it worked in that division.

**The Chair:**

I understand. But we got short-changed in the East End and apparently Councilman Onorato is indicating that there was a short changing also of some of the North Side and some of the upper neighborhoods.

Other discussions?

**Mr. Cohen:**

No favoritism on being shortchanged. There were a lot of streets, the nicest streets in Squirrel Hill that have leaves that are piled up on the streets. I have been trying to get done. It is Citywide.

On the other issue of the 911, it may well be that that is an issue that we have to put off. I agree with you, we have a lot of budget issues, direct budget issues, I realize that has a budgetary impact, but direct budget issues plus a new zoning code, plus all the other things we are working on.

**The Chair:**

The thing that concerns me, Councilman Cohen, you are chair of Public Safety, maybe I am being an alarmist here, but look at the history. It has been a tortured history governmentally when you talk about the County 911 system for the last three years. It has been a nightmare of failures and problems and set backs. We have one of the most modern efficient class act top of the line 911 EOC operations. Why are we messing with this? I don't know. I don't know that it is in our interest to mess with the county and get involved in this 911.

**Mr. Cohen:**

Mr. President, I agree with you. I have not signed on this at all. In fact, I was briefed for the first time about it a week ago.

**The Chair:**

The problem is, and I think you will agree, is that the administration presuming that because we adopt the budget as is, we are not giving ourselves any window of opportunity into the next budgeted year to talk and layback and have Public Hearings and have dialogue on separate resolutions creating all these different things. The print shop, the paint shop, the sign shop, the 911 merger and the like. I think they are presuming that we are going to put this all into the budget and I would ask that all of us speak with one voice on this issue of the process.

**Mr. Cohen:**

I don't know the first thing about the print shop, the paint shop, and the sign shop. I don't know the first thing about it. I have not been briefed by anybody in the administration or by Public Works. The only thing I have heard about are rumors that fly at this meeting. So if they really think that they are going to at least get my vote on this, they are going about it the wrong way.

**The Chair:**

I would ask Mr. Salac, he is not in the room right now, he is our Budget Officer to answer the specific question. I am operating under the presumption that the operating budget as proposed by the Mayor assumes and basically defines and accepts these different arrangements, the six or seven that I mentioned as defacto accepted. That's the way I read the budget. I think that is the way Councilman Onorato reads the budget.

I want to caution my colleagues, that's why this issue about the reserve is so very important. We may have to have a budget that is different than what is proposed until such time into next year that we resolve all of these different cooperation agreements and new arrangements. Am I being clear here in terms of the process? The administration is presuming that defacto we accept the budget, defacto we --

**Mr. Cohen:**

That doesn't necessarily mean that these legal, mechanisms will go into place. I agree with you. We might need a separate cooperation agreement.

**The Chair:**

We have people -- are we going to pull the plug on 911 on January 1? No. So the point is our budget has to reflect whatever the agreement is and whatever we resolve by majority vote. I am only saying we need the special skills of our own budget officer, Mr. Salac and Mr. Crawford or others in that office, Mary Jane. Because whatever we agree to by consensus, we have to make sure it is reflected in a carry over operating monies for the 1998 budget. Other wise, if we don't tinker, and extract out these major policy changes, we are going to be in a real pickle.

**Mr. Cohen:**

I agree with you. One last thing, there may be a legal component of this too that we may need to have independent advice on. That is, these are not just budgetary issues, they are also legal issues in terms of cooperation agreements with the County etceteras, leasing facilities, so we may have to consider getting some independent advise on that.

**The Chair:**

That's why I want the previous cooperation brought up.

**Mr. Onorato:**

I view these issues just as we analyze and debated the issues of the Phipps, the Zoo, Aviary, they were City functions that we had a big debate on and we made a decision to spin them off. This is the same thing. The only difference is now we are talking about the print shop, whatever the other department is, it is the same type of issue that we need a legal, as you say Councilman Cohen, in writing, what happens to our workers, what is the bargaining unit, what are their seniority

rights? All of those issues have to at least be addressed of what is going on.

**The Chair:**

But all of those were funded until such time that we made a separate resolution. It wasn't presumed that because we adopted a particular budget defacto we now have print shop going to the County and 911 moving from the strip, that's not the way it worked in the past.

**Mr. Onorato:**

If you recall, Mayor Masloff won the budget, it was the year before I was sworn in was trying, there was zero in for the Aviary, and Council put that money back in so we could have a debate the following year. That was the issue.

**The Chair:**

Exactly. That is my point. My point is if there is a majority of colleagues that don't feel the need or feel that it is appropriate to rush to judgment on these initiatives, then please be mindful that we have to reconstruct the budget so that it reflects continued operation of these functions. So this notion that some how we are just going to have this \$38 million plus revenue base is not appropriate right now. I just want to clarify the procedure in the process.

**Mr. Onorato:**

I agree with you.

**Mr. O'Connor:**

As I remember the mailroom was supposed to be a merger about two years ago and maybe we can send a letter and find out

the facts. It fell through because it would have cost--the County was actually paying a lot more than we were. It was not cost effective after we agreed to a merger. So some of these history things, it takes a lot of investigation like you say. You can't just do this.

**The Chair:**

I think we also need to try some smaller items that I think will have some cost efficiencies and see what the relationship is. I don't want to be critical of our County Commissioners, because I think they are struggling with their own leadership issues and who is in control, and the way they are going to do business over there. But they are in a lot more fluent situation than we are when we have a strong Council; we have a strong Mayor. We have been operational for a good amount of time. I feel we are entering into such validity over there it is not clear, I am not being critical. I think they are struggling with their own identity and who is in control and what the directors are and who is the boss, start with fueling. Start smaller things that make sense.

If you have County vehicles and City vehicles driving all around, let's do some joint fueling. The County has fueling pumps, the City has fueling pumps, and there might be other areas that we can look towards cooperation and try to learn from that experience. These major items because I am telling you right now, the way I see the Public Works Operation, Polish Hill, Lawrenceville in particular, the East Liberty Corridor is going to get hurt significantly by this notion of the elimination of the Second Division. There are a lot of issues here.

Any other comments?

We are going to make a motion to



recess this meeting. We will recess this meeting until tomorrow, Wednesday November 19, so we can resolve this bond issue if it comes back that we want to take action. So with that, and we do want that list of the capital projects as Councilman Cohen has stated. With that, this legislative session now stands in recess.

### UNFINISHED BUSINESS

#### The Chair:

The Legislative Meeting was in recess and we are now reconvening the Legislative Session. I would ask the Clerk at this time to please read the bill, in order for Council to take final action.

#### MR. UDIN PRESENTED:

Bill No. 2609:

Report of Committee on Finance and Budget for November 19, 1997, transmitting a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2456:

Resolution authorizing the incurrence of nonelectoral debt in the aggregate principal amount of \$70,000,000 the purpose of providing funds to be applied for, toward and in connection with funding certain capital projects in the City's Capital Improvement Program, to pay certain capitalized interest on the bonds and to pay the costs of issuance of the bonds.

Which was read.

#### The Chair:

You have heard the reading entitled the bill, is there any discussion regarding this final action on the bond issue of \$70,000,000 plus? Any discussion?

#### Mr. Udin:

Just to have my comments brought forward from the Standing Committee Meeting.

(SEE ADDENDUM FOR COMMENTS)

#### The Chair:

Very good. All comments will be brought forward.

#### Mr. Cohen:

Same. Especially about Mellon Park Fence and Friendship Place.

(SEE ADDENDUM FOR COMMENTS)

#### The Chair:

Hearing no other discussion, and not willing to entertain any other proclamations or motions and resolutions, if you are in favor of the bill, please vote aye when your names are called. If opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

#### AYES:

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo

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(Pres't)

**AYES**    **Eight**        **NOES**    **None**

The Bill having received the legally required number of votes, has been approved finally.

**The Chair:**

Before we conclude our Legislative Meeting, we will immediately reconvene the recessed Standing Committees Meeting of Finance and Budget Chaired by Councilman Udin. At this time, the Legislative Session is adjourned.

#### **ADDENDUM**

**MR. UDIN'S AND MR. COHEN'S  
COMMENTS ON BILL 2456 CAN BE  
FOUND IN THE STANDING  
COMMITTEES MEETING MINUTES  
OF NOVEMBER 19, 1997.**



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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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VOL. CXXXI

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, November 24, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Thank you. Good afternoon everyone. At this time would you all please rise for the pledge of allegiance and would you please remain standing for a moment of silent prayer so we may have peace throughout the world.

We are pleased this afternoon to have a student, Veronica Kust, she is ten years old and she is in the fifth grade at the Immaculate Conception School in Bloomfield. Her mom and dad are here,

Tom and Dolly. Veronica is going to lead us in the pledge of allegiance.

#### Veronica Kust:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God indivisible with liberty and justice for all.

#### The Chair:

Thank you Veronica. Our City Clerk would like to present you with a flag of our Nation and a flag of our City. Thank you and your mom and dad for coming down this afternoon. We wish you a happy Thanksgiving. We appreciate it very much.

These folks live in my district, and go to school in Councilman Cohen's district. They are from Bloomfield.

#### PRESENTATIONS

#### Mr. Cohen:

Folks from Saint Mary of the Mount School please come up. Members of Council, Alan Hertzberg prepared this proclamation, unfortunately could not be here to present it, but this is from him. Saint Mary of the Mount is Citywide anyway at least in terms of its reputation and good work that it does, so why don't we have all of Council move ahead on this.

#### MR. HERTZBERG PRESENTS:

No. 2610 WHEREAS, on Sunday, November 30, 1997, the Saint Mary of the Mount School Alumni will celebrate its 85<sup>th</sup> anniversary; and

WHEREAS, Saint Mary of the Mount School opened its doors in the Mt. Washington Neighborhood in early 1900 under the guidance of the Sisters, Servants of the Immaculate Heart of Mary of Scranton, PA; and

WHEREAS, the first graduating class in 1912 consisted of 16 students; and

WHEREAS, the education received at Saint Mary of the Mount consisted of instruction in the Catholic faith, basic reading, writing, arithmetic, and also included knowledge of life, integrity, pursuit of excellence, charity, and Christian values; and

WHEREAS, through the doors and halls of Saint Mary of the Mount have passed many notables; including Reverend Donald Wuerl, Bishop of Pittsburgh, Lawyers, Doctors, Journalists, Professors, Bankers, Military Generals, and numerous Priests and Nuns; and

WHEREAS, Saint Mary of the Mount Alumni is one of the oldest alumni organizations in the City of Pittsburgh and remains very active. They alone have raised over \$65,000 towards the restoration of Saint Mary of the Mount Church;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh congratulates Saint Mary of the Mount Alumni and declares Sunday, November 30, 1997 as Saint Mary of the Mount Day in the City of Pittsburgh.

**THE CHAIR** moved to adopt the resolution.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

We have here today Sis Merriman and Jack O'Neill, and also Norma Marfisi, am I pronouncing correctly? Councilman Hertzberg very much wanted to be here but because of -- he is here. He wanted to be here so much that he made it.

**Mr. Hertzberg:**

I guess there is not much more to do than to present this, but St. Mary's of the Mount has been a great institution for Mt. Washington for a great number of years. I am sure you are going to tell us all of the different alumnus that have come out of that school, because there are some great names, a lot of officials from our City including our current Chief of Police is a graduate there. There are a number of famous and not so famous, just regular people, but that has been a great place. I congratulate St. Mary of the Mount on the 85<sup>th</sup> anniversary. I will present this.

**Ms. Merriman:**

Thank you very much. On behalf of all of the alumni of St. Mary of the Mount, it gives me tremendous pleasure to accept this proclamation here today. Although we are over 85 years old, we are still very much alive. We are very happy to be here, and we gratefully accept this proclamation. Thank you all very much. Happy Thanksgiving.

**Mr. O'Connor:**

I was just up at the church for a wedding about two weeks ago. You really did a beautiful job remodeling and it is a great institution. Your fund raising people have done an excellent job.

**Mr. Hertzberg:**

One more thing too. When we can expect, we are putting a new steeple on that church and all of Pittsburgh will be able to see that, this spring. Look forward to going up – what is that 50 feet up, 100 feet higher?

**Ms. Merriman:**

Yes. In all of her majesty, she will look over the City of Pittsburgh.

**MR. COHEN PRESENTS:**

No. 2611 WHEREAS, Mildred Goodman, known as "Nunu" to her family, was born on November 13, 1907 in Brooklyn, NY; and

WHEREAS, Mildred worked as a bookkeeper at the Ex-Lax Company, Brehm Furriers' and Doremus & Company during her lifetime; and

WHEREAS, Mildred married Jack Oppenheimer and they had two girls, Sue and Enid; and

WHEREAS, Mildred is also the proud grandmother of Jim and Jean Brody (Sue's children) and Cindy Miller (Enid's daughter); and

WHEREAS, Mildred moved to Pittsburgh to be closer to her daughter Enid in 1985; and

WHEREAS, Mildred turned 90 this year and her family is coming together to celebrate this event on Saturday, November 29, 1997 at the Baum Vivant Restaurant in Shadyside.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby declare November 29, 1997 to be Mildred Oppenheimer day in the City of Pittsburgh.

**MR. COHEN** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**MR. HERTZBERG PRESENTS:**

No. 2612 WHEREAS, David K. McMullin, is a life-long resident of Allegheny County, who served his country in active duty in the United States Army in Korea; and

WHEREAS, being very proud to have served his country, David did not forget nor neglect fellow veterans upon his Honorable Discharge; and

WHEREAS, David chose to take a pro-active role in fighting for those men and women by joining and serving in organizations devoted to their recognition, needs, and memory; and

WHEREAS, David has been a member of the American Legion for 16 years, being Commander of Langley Post 496 for 11 years and currently is the Allegheny County American Legion Commander; Judge Advocate of the Allegheny County American Legion

Committee; Commander of the Federation of War Veterans Societies of Allegheny County; President of Veterans Political Action Council of Allegheny County; Allegheny County Director of Veterans Services; Chairman of the Board of Managers of Soldiers and Sailors Memorial Hall; and

WHEREAS, Commander McMullin is being honored by The American Legion, Allegheny County Committee, at a dinner at the Langley American Legion Post 496 on Chartiers Avenue on November 22, 1997;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh thanks David K. McMullin for his tireless efforts on behalf of our Veterans, and declares November 22, 1997, "Commander David K. McMullin Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS:

No. 2613 WHEREAS, the Greenfield Organization has been active in Greenfield for twenty-nine years, providing the community with a wide range of vital community programs; and,

WHEREAS, the exceptional level of volunteerism in the community has contributed to the strength of both the community and the Greenfield Organization; and,

WHEREAS, the following members of the community are being honored at the Twelfth Annual Greenfield Awards Dinner, for their commitment to improving Greenfield:

#### COMMUNITY GROUP AWARDS

AARP Chapter 2611 - Evelyn Klimovich  
Greenfield Baseball Association - Kevin Varley  
Greenfield Baseball Association - Don Ribarchak  
Greenfield Football & Cheerleading Organization-  
J. D. Murray  
Greenfield Football & Cheerleading Organization - Kathy Montgomery  
Greenfield Living At Home Program - Peggy Nee  
Greenfield Senior Center - Joseph Pugliese  
Greenfield Soccer Association - George Yalch  
St. Rosalia Athletic Association - Edward Kelly

#### SERVICE AWARDS

Business - Dr. Donna Knupp, M.D.  
Education - Judy Smizik  
Education - Margaret Brethauer  
Youth Recognition - Meghan DePaolo  
Youth Recognition - Stephen Lipnichan  
Special Recognition - Sr. Delia M. McNeirney, I.H.M.  
Special Recognition - Lawrence Nee  
Hall of Fame (Posthumous) - JoAnn Walters  
Hall of Fame (Posthumous) - Joseph Rim  
Hall of Fame - Tom Walsh

#### PERSON OF THE YEAR

DENNIS NAPOLEON

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the important role that the Greenfield Organization has played in the community, commends all of the volunteers of Greenfield that have contributed so much time and talent to community efforts and organizations, and congratulates Dennis Napoleon on receiving the Greenfield Person of the Year Award; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, November 22, 1997, "Greenfield Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

At this time I would like to ask our guests today to please come forward. Colleagues this is a very important resolution that can definitely effect the residents and the clients in the South Side area and in the entire City of Pittsburgh.

Mr. Kinney come to my left, I am going to read the resolution and then present it to you and ask you to please introduce our guests today.

MR. RICCIARDI AND ALL MEMBERS PRESENT:

No. 2614 WHEREAS, Allegheny County's South Side District Office of the Department of Public Welfare administers

cash assistance, medical assistance and food stamp benefits to approximately 11,000 families in South City neighborhoods; and,

WHEREAS, the majority of the clients serviced by the South Side District Office are elderly, handicapped or children; and,

WHEREAS, 1,700 of the South Side District's clients are working; and,

WHEREAS, the South Side District Office is the only welfare office located south of the Monongahela River and located within the community it serves; and,

WHEREAS, caseworkers in the South Side District Office work directly with the staff of Pittsburgh Partnership, Goodwill Industries and its Literacy Initiative, Job Center South, Northern and Southwest Mental Health and Mental Retardation, the Office of Vocational Rehabilitation and many other community agencies and programs; and,

WHEREAS, the South Side District Office is the only truly handicapped accessible welfare office with handicapped parking, wheelchair ramp and easy availability for senior citizens using ACCESS; and,

WHEREAS, during the most recent quarter, more city residents have completed "Work First" activities and entered employment through SPOC (Single Point of Contact) and the Pittsburgh Partnership than any other city office; and,

WHEREAS, the South Side District Office has the adequate space necessary to



conduct job searches for city residents receiving public assistance; and

WHEREAS, the South Side District Office staff was instrumental in developing the only summer GED program in the City of Pittsburgh to meet the needs and requirements of city assistance clients under welfare reform; and,

WHEREAS, Disability Advocates in the South Side District have won disability benefits for 333 individuals since January 1996 and are currently working with 650 others to establish disability eligibility; and,

WHEREAS, the South Side District staff has moved 273 families completely from welfare since welfare reform was implemented in March 1997; and,

WHEREAS, the South Side District Office staff have been successful because they work together as a team in the community they serve.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh calls on the Governor and the Secretary of Welfare Feather O. Houstoun, to keep the Allegheny County Board of Assistance South Side District Office open.

THE CHAIR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Mr. Kinney, I would like you to come forward, and also I think we need to mention that on a cost-effective basis, South

Side office is the least expensive to run. You do a very fine job even in terms of rent. Congratulations.

Mr. Kinney:

Thank you very much. Just to introduce some of my co-workers. Kay Comini from the South Side, Catherine Feddersen-Freudenberg, Linda Zajac, Michael Wurster. I just think it is important since Welfare Reform was implemented in March of 1997 that we keep case workers who have to keep working intensely with clients, keep them in the community because they know the community, they know the resources. We want to keep these individuals and clients who are former tax recipients, we want to keep them as tax payers. We only do that when we work in the community with our families. We want to keep it this way.

I really want to thank all of City Council, all the representatives, for co-sponsoring this legislation. It was very important, it is very important to us in our effort to stay in the South Side and stay in the City of Pittsburgh. Thank you.

Mr. Ricciardi:

I think we should also mention we have a group of elected officials, including Senator Jay Costa, Mr. Readshaw, and are there others, Dan?

Mr. Kinney:

We have 75% of the Allegheny County delegation so far, they are going to sign a signature page letter to Secretary of Welfare doing the same thing.

Mr. Ricciardi:

Great. So, they have definitely done their homework in terms of people that they serviced, the location, the cost of the office. Unfortunately, the administration has not shown why this particular office needs to be closed. As stated along with City Council 75% of the delegation and in our area, Mr. Jay Costa and Harry Readshaw. Thank you.

**MR. UDIN PRESENTS:**

No. 2615 WHEREAS, The National Black Programming Consortium, Inc., a non profit media arts organization, has supported the development, production, and distribution of educationally and culturally specific television and film programs by and about African Americans since it's founding in 1980; and

WHEREAS, Mable Haddock has served as the Executive Director of the National Black Programming Consortium, Inc for the past 17 years. During her tenure, the organization has increased its financial base by over 100%, staffs over 15 employees with branch offices in Atlanta and Pittsburgh, and owns and operates a Video Store & Learning Center in Columbus, Ohio, stocking over 700 titles; and

WHEREAS, The National Black Programming Consortium has dedicated itself to projects based on the needs, demands and expectations of communities and media industries. Some of those projects and services include providing technical assistance to independent producers by serving as a fiscal agent and identifying funding sources and recently instituting a summer youth program for twenty-four students that gave them an opportunity to produce, direct, write and edit their own productions with a hands on approach; and

WHEREAS, Prized Pieces, a competition for Black centered programs started in 1981 by The National Black Programming Consortium, has focused on the development of the independent film producer, has evolved into an international film and video competition; and

WHEREAS, The 16<sup>th</sup> Annual Prized Pieces Awards Ceremony will take place on November 22, 1997 at the Carnegie Music Hall with guest presenters Mr. Danny Glover and Ms. Loretta Devine.

NOW, THEREFORE BE IT RESOLVED, that the council of the City of Pittsburgh congratulates the National Black Programming Consortium and its Executive Director Mabel Haddock on their many accomplishments and wishes them further success in the future.

**MR. ONORATO** moved to adopt the resolution.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**THE CHAIR AND ALL MEMBERS OF COUNCIL PRESENT:**

No. 2616 WHEREAS, it is an honor and a privilege to acknowledge the school children in our city who participated in "The 1997 World Peace Contest" by writing essays, submitting creative writing pieces, or submitting artwork addressing the theme "What Can Each of Us Do To Promote Peace on Earth in Our Community"; and

WHEREAS, the twenty students whose artwork, creative writing pieces or essays were chosen as the winners of this

years "World Peace Contest" will appear before the Council of the City of Pittsburgh to be honored by this legislative body and representatives of all branches of the Pittsburgh Public Safety Department including the Police, Firefighters, Paramedics, 911 Staff and Building Inspectors; and

WHEREAS, the twenty students from the Pittsburgh Public Schools and the Dioceses of Pittsburgh who have been selected as first place winners in each category will receive \$100 Savings Bonds donated by National City Bank; and

WHEREAS, Mr. Earl V. Jones, Sr. who spearheaded this entire project was assisted in his efforts by Dr. Raymond B. McClain and Dr. Ronald T. Bowes and by the late Patrick McNamara, who was a co-founder of the Peace Contest.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, November 25, 1997 as "World Peace Day" in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends all of the students who participated in the 1997 World Peace Contest for their efforts.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

I would like to ask my colleagues, if any colleagues are here tomorrow morning at 10:00 in these chambers, we have a number of these students coming down who won the SA contest, both from public schools as well as the catholic diocese. This is a yearly initiative by Mr. Earl Jones from Hazelwood. Unfortunately, the scheduling suggested that he be here tomorrow at 10:00 for the legislative, but we are meeting today at 2:00 as you can see. So, me messed up there.

If there are any colleagues around, we will go through the ceremony tomorrow with some of the students. We want to thank them all for their efforts. We want to thank National City Bank for their \$100 bonds or certificates that will be awarded to twenty of the students tomorrow. We want to thank Mr. Earl Jones and the other volunteers for their hard work as well the volunteers from the Public Safety Bureau, the police, the fire, the paramedics who each year donate their time and good services to Mr. Earl Jones.

That concludes our read and adopted. Moving to Presentation of Papers.

#### MR. CUSICK PRESENTED:

No. 2617 Resolution authorizing the issuance of a warrant in favor of the Richard S. Caliguiri Amyloidosis Foundation in the amount of Eight Thousand Eight Hundred Forty Three Dollars (\$8,843.00) in connection with the 1997 Great Race in the Department of Parks and Recreation, for the benefit of the City of Pittsburgh without previous authority of law; and providing for the payment thereof, chargeable to and payable from Index 254359, Account 525500. Fund 7314, Organization 523000,

Subclass 600, Year 1997, in the Department of Parks and Recreation.

No. 2618 Resolution Authorizing the issuance of a warrant in favor of Lewis Brothers & Sons, Inc. in an amount not to exceed Ten Thousand Three Hundred Thirty Five Dollars (\$10,335.00) in connection with the City of Pittsburgh's Senior Interest Program; without previous authority of law; and providing for the payment thereof, chargeable to and payable from Index 254250, Account 542700, Fund 2850, Organization 530000, Subclass 600, Budget Year 1997, in the Department of Parks and Recreation.

Which were read and referred to the Committee on Finance and Budget.

**MR. HERTZBERG PRESENTED:**

No. 2619 Resolution providing for the leasing of a space located at 841 California Avenue, Pittsburgh, PA 15212, in the 25<sup>th</sup> Ward, from the National Association of Letter Carriers, owner, for the purpose of establishing a Community Oriented Police mini station, effective January 1, 1998, and renewable annually, at a cost to the City of \$50 per month for utilities, chargeable to and payable from Code Account 25, Index Code 002501, Utilities, Fund 1000, ORG 999200, SubClass 160, Yr. 1998, Acct. 568700. Said lease shall be in a form approved by the City Solicitor and shall contain such terms and conditions for the protection of the City as said Solicitor may require.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

**MR. O'CONNOR PRESENTED:**

No. 2620 Ordinance Amending Title Six - Conduct; Article I: Regulated Rights and Actions; Chapter 604 Curfew, by deleting § 604.05(2) of the Enforcement Section and, § 604.06 Curfew Center. The Effective date of the legislation shall be January 1, 1998. (SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Public Safety Services.

**MR. ONORATO** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**The Chair:**

I would ask that Deputy Mayor Cox and Ms. Fruiman and others from the Curfew Center, including the sub-contractor, if he is going to waive Rule 8, if we could have those individuals at the table tomorrow, including the sub-contractor, not the Whales Tale, the Three Rivers Youth.

**Mr. Onorato:**

I wasn't paying attention, was that bill introduced by the administration or by Council?

**The Chair:**

I think Councilman O'Connor is introducing that himself.

Actually, I would like the School Board Representative here too because part of the issue for me at least is the truancy issue. I am not going to vote to defund the Curfew Center if we have a chance in making it a 24-hour operation including truancy issues. If we could have a school board member here, I would appreciate it.

I think we need Dr. Benz from the school board, Ms. Fruiman, Deputy Mayor Cox, I think we can get to the heart of the issues that I believe Mr. O'Connor is raising.

**MR. ONORATO PRESENTED:**

No. 2621 Resolution providing for the implementation of a Residential Parking Permit Program (RPPP) Area "T" in the Garfield community (Council District #7) pursuant to Pittsburgh Code Chapter 549.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

**Mr. O'Connor:**

I don't know who Rule 8'd it.

**The Chair:**

The only benefit of waiving Rule 8 is if it is going to be a budget issue, you better have the debate now about the Curfew Center and get on with the issue. We can always hold it.

**Mr. O'Connor:**

Okay. Just because of the meeting, I don't know if we have time to go over it, to rush it through.

**The Chair:**

We will have to make time, because there is not much time left.

**MR. UDIN PRESENTED:**

No. 2622 Ordinance Amending The Pittsburgh Code, Title I—Administrative, Article V, Adding Chapter 156—Balanced Budget Impact Statement, Requiring Any Party Proposing An Initiative To Establish That Recurring Expenses Are Sufficiently Funded By Recurring Revenues.

No. 2623 Resolution providing for an agreement or agreements with Charles J. Kolling, Legislative Consultant, for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1998, at an aggregate cost not to exceed thirty-thousand dollars (\$30,000.00) chargeable to and payable from Code Account 1017, Index Code 101709, Account 526100, Sub-Account 150, Organization 102000, Fund 1000, Budget Year 1998, Miscellaneous Services, Mayor's Office.

No. 2624 Resolution rescinding and repealing that certain Resolution authorizing and directing that the Bureau of Cable Communications, Department of Public Works, broadcast all of Council's regular legislative sessions and standing committee meetings, which was passed by Council on January 10, 1983;

Which were read and referred to the Committee on Finance and Budget.

**MR. UDIN** moved to suspend Rule 8 on all three bills by providing for consideration of the bills only after the 8<sup>th</sup> calendar day

following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**Mr. Udin:**

The two of the bills are submitted through the Finance Committee by the administration. One to rescind the ordinance requiring cable broadcast of Council meetings, and the other one requiring all legislative proposals from council to require a identifiable recurring funding source. It is important that we take them up immediately tomorrow at the Legislative Meeting so that they can be tabled, that will be my intention.

**The Chair:**

Why don't we table them right now? Is there a reason why we can't table them now?

**Mr. Udin:**

I don't know if it would be legal. That was my question. We have to give at least some time.

**The Chair:**

If we are going to table them, why are we even introducing it? Why don't we just not even introduce them?

**Mr. Udin:**

I think it would be in violation of the charter if we don't at least bring it to the next standing committee meeting.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

That concludes our presentation of papers. Is there any matter under Unfinished Business or Reports of Special Committees?

Hearing none, Reports of Committee.

### **REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2625:

Report of the Committee on Finance and Budget for November 19, 1997, transferring sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2556:

Resolution authorizing the transfer of \$122,199.00 from various Public Safety code accounts to the YCPC/Mayor's Youth Initiative Trust Fund. (The program was originally budgeted for in Public Safety's general fund accounts. The purpose of this transfer is to take the general fund monies and transfer them into a trust fund to insure proper accounting the PCCD funds). (PRESENTED BY MR. COHEN).

Which was read.

Also,

Bill No. 2563:

Resolution transferring the amount of \$30,130.00 from Salaries, Magistrates Court, Housing Court Section, Org. Code 104000, Sub Class 010, to Salaries, Dept. of

Law, Org. Code 10800, Subclass 010.  
(SPONSORED BY MR. ONORATO)

Which was read.

Also,

Bill No. 2564:

Resolution providing for the issuance of an 882.96 warrant in favor of Patricia Edwards in settlement of a claim for an incident with an EMS vehicle, chargeable to and payable from Code Account 46, Judgements.

Which was read.

Also,

Bill No. 2565:

Resolution providing for the issuance of a \$2, 207.68 warrant in favor of Yakov Kurland in settlement of a claim for an incident of claimant's vehicle being damaged due to a fallen limb from a City tree, chargeable to and payable from Code Account 46, Judgements.

Which was read.

Also,

Bill No. 2566:

Resolution providing for the issuance of a \$4,740.00 warrant in favor of Ronald J. Miller in settlement of a claim for an incident in which a crack in the City's sewer line caused raw sewage to be drained onto claimant's property, chargeable to and payable from Code Account 46, Judgements.  
Which was read.

Also,

Bill No. 2567:

Resolution providing for the issuance of a \$780.00 warrant in favor of David Tipper in settlement of a claim for an incident in which claimant's sidewalk was damaged due to City tree roots, chargeable to and payable from Code Account 46, Judgements.

Which was read.

Also,

Bill No. 2568:

Resolution providing for the issuance of a \$13,943.36 warrant in favor of Waste Management of Pittsburgh in settlement of a claim for an incident in which claimant's truck was damaged due to an accident with a City vehicle, chargeable to and payable from Code Account 46, Judgements.

Which was read.

Also,

Bill No. 2569:

Resolution providing for the transfer of funds from the Homicide Trust Fund (HTF) to the General Fund or other trust funds for the reimbursement of expenses and salaries associated with the purchase of computer equipment not to exceed \$129,675.00.

Which was read.

Also,

Bill No. 2570:

Resolution authorizing the Citizen's Police Review Board to enter into a contract for the hiring of counsel and consultants to assist in the representation of the Citizen's Police Review Board at a cost not to exceed \$20,000.00.

Which was read.

Also,

Bill No. 2571:

Resolution authorizing the City Controller to create a special trust fund to be designated as the Homicide Trust Fund (HTF) for the deposit of grant monies received from the U.S. Department of Justice or other federal/state government agencies.

Which was read.

Also,

Bill No. 2591:

Resolution Transferring the amount of \$2,800.00 from Code Account 1001-2, Salaries & Wages, As Needed, City Council, Account 511000, Sub-Class 010, Organization 101120, to Code Account 1001-1, Miscellaneous Services, City Council, Account 525500, Organization 101100, both within Fund 1000 for budget year 1997. (SPONSORED BY MR. HERTZBERG)

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called. If opposed, vote noe.

Clerk, please call the role.

The ayes and noes were taken agreeably to law and were:

AYES:

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

AYES      Eight      NOES      None

All of the bills having received the legally required number of votes, have been approved finally.

MR. ONORATO PRESENTED:

Bill No. 2626:

Report of Committee on Planning, Zoning, and Land Use for November 19, 1997, transferring sundry of ordinances and resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 39:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Administration, Chapter 907, Subsection 907.03(f), Action of Commission, by requiring the Planning Commission to submit a report to Council of their findings and recommendations of ordinances within



one hundred twenty days (120) of receipt of said ordinances. **(SPONSORED BY COUNCILMAN FERLO)**

Which was read.

Also,

Bill No. 1572:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Chapter 993, Procedure; by adding new Subsections 993.01(a)C.(4), Public Hearing before City Council and 993.01(a)C.(10), Recusal Required and also amending the current Subsection 993.01(a)C.(4), Action by Council. **(SPONSORED BY COUNCILMAN FERLO)**

Which was read.

Also,

Bill No. 2259:

Ordinance Amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 4, by changing from "R1" One-Family Residence District to "C2" Highway Commercial District certain property being 2211 (63-F-70) and 2217 (63-E-162) McMonagle Avenue having 104 feet of frontage on the southwesterly side of McMonagle Avenue, 20<sup>th</sup> Ward.

Which was read.

Also,

Bill No. 2388:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by revising Section 905.03(b), "Applications not accepted during consideration of zoning change," to avoid a moratorium on all development in the City during the consideration of a bill introduced before City Council to amend this ordinance in its entirety. **(ALL COUNCIL DISTRICTS).** This ordinance is transmitted as a result of favorable Planning Commission action on September 23, 1997.

Which was read.

Also,

Bill No. 2453:

Resolution approving a conditional use exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Chatham College for authorization to construct a three-story, 22,000-square-foot extension to the existing Buhl Science Building on the campus of Chatham College located at 1035 Woodland Road on property zoned "R3" Multiple-Family, (Council District #8)

Which was read.

Also,

Bill No. 2516:

Resolution authorizing an Agreement or Agreements with consultant or consultants, vendor or vendors, related to the development of a detailed implementation plan for the creation of a wetland on the Nine Mile Run site, at a cost not to exceed \$120,000; and to the Production of a Master Site Plan for the City's four regional parks (Riverview, Highland, Schenley and Frick),

at a cost not to exceed \$200,000. (The total cost of the Nine Mile Run Wetland Plan is \$120,000: \$60,000 of which will be provided by the City as the local match, and \$60,000 from the Pennsylvania Department of Natural Resources. The Total cost of the Regional Parks Master Site Plan is \$200,000: \$100,000 of which will be provided by the City as the local match, and \$100,000 from the Pennsylvania Department of Natural Resources.

Which was read.

Also,

Bill No. 2543:

Resolution amending Resolution 587 approved July 18, 1995 entitled "Amending Resolution No. 668, approved July 9, 1990 entitled providing for implementation of a Residential Parking Permit Program (RPPP) Area "R" in the Bloomfield community pursuant to Pittsburgh Code Chapter 549." So as to amend the streets included in Area "R".

Which was read.

Also,

Bill No. 2544:

Resolution Amending Resolution No. 934, approved September 18, 1992 entitled "Providing for implementation of a Residential Parking Permit Program (RPPP) Area "T" in the Beechview community pursuant to Pittsburgh Code Chapter 549" so as to amend the streets in Area "T".

Which was read.

Also,

Bill No. 2592:

Resolution Designating the Chartiers Nature Conservancy as a Rivers Support Group and authorizing the submission of a Pennsylvania Rivers Conservation Planning Grant Application to the Pennsylvania Department of Conservation and Natural Resources. (SPONSORED BY MR. HERTZBERG)

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion?

Mr. Cusick:

On the residential parking program that - Bill No. 2544, I really believe that the parking enforcement up there has been good. But on Broadway Avenue, there is a business owner by the name of David Aine, Davio's. I am sure some of you know of this place I am speaking of. We really need to and I need to get in touch with Richard and others from the Parking Enforcement to try to ease some of the enforcement that is going on there. They are going in until 5:00 or 6:00 at night and enforcing these permits when people aren't going to park there in the evening hours and really causes a problem for the businesses.

You have people, we have some of the nicest people in the world coming into Beechview to eat dinner and to entertain other, whether clients or friends, and all are receiving tickets at a really ridiculous hour of the day. Right now I am trying to find a resolution to that by entertaining the idea with Port Authority on a piece of parcel

property that is currently owned by the Housing Authority, but until that can be resolved, I would hope that the Parking Enforcement people would try to work with us.

He is very upset. I don't blame him. These people are bringing him tickets. On this particular area where there is no houses, and I think you know what I am talking about, Mr. President, across from where the bill boards all sit on Broadway Avenue. It is very unfortunate that the gentleman has gone as far as to say to me that he is considering relocating. That to me would be a shame to lose such a good business and a businessman such as Mr. Aine in the Beechview area.

So I just I hope that the parking people would entertain some type of relaxation until we can get this situation under control. You have to keep in mind that Port Authority has been up there for a number of years becoming and have become a nuisance to the businesses of Broadway Avenue. We in the City need to understand that and hopefully work with different businesses in that area.

**Mr. Ricciardi:**

Mr. Cusick, the time restriction is what on Broadway?

**Mr. Cusick:**

Currently, my understanding, is

**The Chair:**

We changed it to two hours.

**Mr. Cusick:**

Yes. But they are still tagging. They are still tagging across the street from his business. It is becoming a real problem.

**Mr. Ricciardi:**

Here is what I am saying, Mr. Cusick. Hopefully I do understand the logistics of the bill, but if we pass this bill, we then are losing control. You might want to consider recommitting this bill for more discussion and see if this needs to be changed from two to four or if there is no residential parking on that street, you might want to eliminate that particular period.

**MR. CUSICK** moved to recommit this bill.

**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**Mr. Cusick:**

For reasons only being that until I can talk to them, the rest of the program is working great. It is just we need to get the Housing Authority, myself, the business owners, together and try to consummate a deal on the particular property that not only can be used for the businesses of the upper corridor of Broadway Avenue —

**The Chair:**

This bill is only extending the T-section in blocks —several blocks away from Davio's Restaurant on Broadway. We already in the past changed—

**Mr. Cusick:**

No, this also goes down around his business.

**The Chair:**

The problem is the tagging up until after 7:00.

**Mr. Cusick:**

My father lives adjacent or across from the businesses that we are talking about. Speaking with him, there is no problem at this point. He doesn't understand some of the problems. I can respect that people want to be able to park in front of their homes, but where there is just businesses, or vacant lot, I don't see that they be tagged.

**The Chair:**

I have no objection. But we need individuals here to discuss the bill.

**Mr. Cusick:**

I will do whatever I can.

**The Chair:**

All in favor of the recommittal?

Which motion prevailed.

**The Chair:**

Other discussion?

If you are in favor of the bills, please vote aye when your names are called. If opposed, please vote no.

Clerk, please call the role.

The ayes and noes were taken agreeable to law, and were:

**AYES:**

Mr. Cohen  
Ms. McDonald  
Mr. Onorato  
Mr. Udin

Mr. Cusick  
Mr. O'Connor  
Mr. Ricciardi  
Mr. Ferlo  
(Pres't)

**(MR. HERTZBERG VOTED NOE ON BILL 2259)**

The bills having received the legally required number of votes, have been approved finally.

**The Chair:**

That concludes our Reports of Committees.

I would ask the Clerk to ask Mr. Merritzer to be here tomorrow for the discussion on the T-section.

#### **MOTIONS AND RESOLUTIONS**

**Mr. Udin:**

I also wanted to remind the Clerk to ask Mr. Kolling if he could be here. I know it is short notice, if he can't we may want to wait another week on that one bill that reissues his contract for 1998. He should be given an opportunity to be here.

**The Chair:**

Is that up tomorrow too?

**Mr. Udin:**

It is up tomorrow. I waived Rule 8 along with the other administration bills.

Also, I want to bring to the attention of our colleagues, it is distressing when any family in the City of Pittsburgh loses a young loved one, especially to violent murder. But it is even closer to home when someone who has been serving the City staff for so long loses someone. Ms. Pat Heflin in the NBEW office lost her son last week and I wanted to extend the condolences of Council to her son and her family.

**The Chair:**

Thank you. Other discussion?

I would ask Councilman Udin to give some thought to arranging the schedule tomorrow. We have a lot of bills that are going to be long discussions. Councilman Ricciardi's Living Wage Bill, if it comes tomorrow I would imagine it will be a good amount of discussion. We have been putting off having a lengthy debate.

I know Councilman Onorato has a number of amendments regarding the Group Home legislation. There are four or five different--consolidated bills on the table, but four or five different issues that will probably be controversial. We waived Rule 8 on the Curfew, the Beechview. When you start adding them up, I know colleagues, start making appointments, so whatever we do tomorrow, I think we are meeting at two tomorrow, either we have to rearrange the schedule or if there is any way you can give us some thought to facilitating trying to block -- I don't know how you want to do it, but we have a long agenda.

Colleagues either have to be here at three depressing -- I know people have other commitments, but when it gets to be an hour and a half, two hours into the meeting, if we don't have a quorum, it is hard to meet.

**Mr. O'Connor:**

On that, there was a mistake in the Clerk's office. I would like to un-Rule 8 that, because I would rather give the Chief and everyone more time too.

**THE CHAIR** moved to undue the Rule 8 on the Curfew decision, and we will bring it up the following week. That will give us a little more time tomorrow.

**MR. O'CONNOR** seconded the motion.

Which motion prevailed.

**The Chair:**

On the remaining bills, maybe Councilman Udin could speak to some of our sponsoring colleagues. I don't know if Councilman Ricciardi has an idea how much time the Living Wage Bill, but I think the Group Home is going to be at least an hour long discussion when we get into the meat of some of the issues including legal interpretation and the like. I don't think Councilman Onorato should be denied an opportunity to debate on his points. Councilman Ricciardi I am sure wants to discuss the Living Wage.

Are we moving tomorrow on the Living Wage Bill, Councilman?

**Mr. Ricciardi:**

For preliminary vote, yes.

**The Chair:**

That may take an hour. There may be some other bills that I have not thought about.

**Mr. Cohen:**

You may also probably recall, we also have scheduled or rescheduled the Emergency Medical Service Department at 4:00. It sounds to me like that is not going to happen.

**The Chair:**

I think it is going to be a 2:00 to 5:00 Standing Committee Meeting judging from the—

**Mr. Cohen:**

Well, given that, I would suggest — it is up to Councilman Udin, the Chair, but I would suggest that perhaps we reschedule again EMS. I don't want to have all the paramedics troop in here and me have to tell them that they are not coming up again.

**Mr. Udin:**

That will be taken care of today.

**The Chair:**

Or we just rearrange the agenda to put the main issues on the table and then have to hold the bills for another week that are spending all the other bills, but it is up to Councilman Udin. If you could just figure that out, but we keep putting off EMS and other issues, it gets to be difficult.

**Mr. Udin:**

We will take care of it.

**The Chair:**

Any other matter to be brought before the body? Our Standing Committee Meeting will be tomorrow at 2:00 p.m. instead of Wednesday. Wednesday agenda is pretty much covered by the budget hearings, Thursday is Thanksgiving holiday, happy Thanksgiving to all. Friday we have an official City break, so we have a lot of work to do tomorrow and Wednesday.

**Mr. O'Connor:**

One quick — as you may have heard in the news, yesterday we had a tragedy in Greenfield. Pittsburgh actually had a great record of three years without a child dying in a fire. That was remarkable. But unfortunately, it came to an end yesterday morning in Greenfield.

Michael and Anthony Patrilly perished at age three and five. I just read the comments from the grandfather. There was a great effort from the police, fire, neighbors, family to save them, but it just didn't happen.

I want to thank all the people in Greenfield for coming and supporting the family in their need. I will just echo the words of the father or grandfather that there weren't, and I toured the building and I didn't find any, later evidently they found a couple unused smoke detectors. If anything can come out of it, it would be before the Christmas and holiday season, I would like to remind everyone and we have tried often that smoke detectors are available in the City. We have them for all families. If you just call this number, 255-2863, please for your children's sake.

I know after I spent three, four hours there, when I got home, I checked mine. One was not working. I even talked to my

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family in case we do have a fire, what do you do? My son has a back room. I want to put a hammer there in case you have to break a window.

Things we think will always happen to somebody else. But if you can take these few moments or this day or two, to look at your own house and see what we can do to prevent any future accidents. It was a tragedy but let's learn from it if we can. I urge everybody to check their smoke detectors and look if a fire was in your home, how would you escape.

Thank you, Councilman. Other discussion?

I think the pain and suffering is too great right now given the loss of these two children. But I think at some point we need to discuss some of the pro-active preventative initiatives regarding the Fire Bureau.

Other discussion? Hearing none, this legislative session now stands adjourned.

**The Chair:**

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO ..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, December 2, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Good morning everyone. We have a number of guests in the audience this morning. At this time, please rise for the pledge of allegiance and please remain standing for a moment of silent prayer so we may have peace throughout the world.

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

#### The Chair:

We have a number of guests in the audience this morning.

#### PRESENTATIONS

##### Mr. Ricciardi:

I would like our honored guests to please come forward on behalf of Mr. O'Connor and City Council for Reverend Veney and feel free if you have a guest -- and we have a resolution. I think all of us know Reverend Veney over the years and how much she's given both to her ministry and church and especially the community in the City of Pittsburgh. Reverend Veney, Mr. O'Connor will be a little late this morning, but I thought I would start off.

#### MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 2627 WHEREAS, twenty-one years ago, Bertha Veney heeded the call of God and became a minister, dedicated to serving God's people here on earth and delivering His message of hope and love; and,

WHEREAS, the Reverend Bertha Veney has pursued her ministry faithfully - tending to the spiritual needs of the community and to its temporal needs as well - she has carried God's message from the pulpit to the streets by becoming engaged in the fight for social justice through community activism, speaking out against social injustice and working to improve the



quality of life of the People of Pittsburgh; and,

WHEREAS, the Reverend Bertha Veney is also the mother of four children, all of whom have grown up in a home surrounded by God's love and are faithful to the teaching of the church thanks to their mothers guidance and grace; and,

WHEREAS, Reverend Bertha Veney celebrates her ministry's twenty-first anniversary this year with her many friends and relatives, joyously recalling the many and happy time and looking back on Reverend Veney's many accomplishments and looking forward to many more years of her work as servant of God.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate the Reverend Bertha Veney on the occasion of her twenty-one years in service to God and does hereby commend her for her spiritual devotion and for her service to the People of the City of Pittsburgh, to whom she has tirelessly devoted her time and energy so that we may all enjoy a better life here on earth and an eternal life with God in heaven above; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, in appreciation and recognition of all that that Reverend Bertha Veney has done to promote spirituality, goodness, and social justice among the People of Pittsburgh, does hereby declare, Tuesday, December 2, 1997, to be "Reverend Bertha Veney Day" in the City of Pittsburgh.

THE CHAIR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Congratulations, Reverend. Please come forward and say a few words for us.

Reverend Veney:

First I would like to give unto God and to all my Councilmen friends. I wouldn't be standing here, seeing most of you knew and all of you know if it weren't for the late Councilman Darkins. I thank God for my life and I love all of you guys out here. Anything, I am ready to fight for you, do whatever I can to help and I love my Gene, that was my first son, so I thank God for all of you.

The Chair:

Councilman O'Connor is late this morning. He is at an opening of an organization that he has labored long and hard within the community for the last couple of years so he will be with us shortly.

MR. O'CONNOR PRESENTS:

No. 2628 WHEREAS, the Salvation Army, founded in 1865 by William Booth, is a charitable organization dedicated, in the name of God, to the purpose of ministering to the spiritual and physical needs the poor and the otherwise disenfranchised among us and, in doing so, contribute greatly to the well being of the People of Pittsburgh; and,

WHEREAS, Wesley E. Kerlin, Director of Social Services of the Salvation Army, has distinguished himself among his family, friends, co-workers, and those whom

he has ministered to and assisted over the past twenty three years, as a person faithfully dedicated to helping his fellow Pittsburgher's through some very tough times; and,

WHEREAS, Wesley E. Kerlin has ministered to the homeless, the forgotten, and the nameless, beginning a ministry that went into the streets and evolved into Operation Save A Life, and, for the last ten years, he has been the Salvation Army's Director of Social Services for all of Allegheny County, consultant for Social Services in the Western Pennsylvania Division of the Salvation Army and serves on the Territorial Headquarters Social Services Advisory Committee; and

WHEREAS, it is wholly appropriate, during this Holy Season of Christmas, to take the time to recognize the good works and acts of kindness of Wesley Kerlin and all of those people of Pittsburgh who minister to the needs of the poor, for in doing so we are reminded of the true meaning of Christmas and, our moral obligation to be charitable and concerned for one another's well being the year round.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby join with the staff of the Salvation Army in offering our sincere thanks and appreciation to Wesley E. Kerlin for his many years of service to the Salvation Army and the people of Pittsburgh; and,

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh, in recognition of Wesley E. Kerlin's years of service to the People of Pittsburgh by does hereby declare Tuesday, December 2, 1997,

to be "Wesley E. Kerlin Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTS:

No. 2629A WHEREAS, Buena Vista United Methodist Church, the only African American United Methodist Church on the North Side of Pittsburgh is celebrating 76 years of Christian Service from December 5 until December 7, 1997; and

WHEREAS, various events will take place during the celebration weekend including worship with Bishop George Bashore, Resident Bishop of the Western PA Conference, United Methodist Church, a "Youth Stomp Fest" featuring youth groups from across the greater Pittsburgh area and an Anniversary Banquet; and

WHEREAS, Buena Vista has a rich history of continued faithfulness in developing and strengthening disciples and in reaching out to address the needs in the community; and

WHEREAS, Buena Vista United Methodist Church has been blessed to have many pastors who were both spiritual and social leaders in the community such as Reverend B.J. Pogue whose efforts helped to establish a Methodist Church at 2469 Charles Street in 1921, Reverend Thomas who led the church into the Buena Vista Building in 1932, Reverend J.T. Tisdale who from 1935 to 1941 organized worship in various members homes, Reverend James

Douglas Foy who in 1941 rebuilt the congregation, and Reverend James R. Cannon who was instrumental in initiating the building of a new church which was dedicated in 1973; and

WHEREAS, Buena Vista now celebrates 76 years in Christian ministry on the Northside of Pittsburgh under the leadership of Dr. Josephine Whitely Fields who continues to lead the church into the creative ministry for the 21<sup>st</sup> Century

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates and commends Buena Vista United Methodist Church for its 76 years of outstanding accomplishments and invaluable support to the community.

MR. UDIN moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

The Chair:

That concludes our read and adopted. Moving to Presentation of Papers.

MR. CUSICK PRESENTED:

No. 2629 Resolution providing for the transfer of \$25,567.75 from the Special Parks Programs Trust Fund, Index 254359, Account 581120, Fund 7314, Subclass 600, Organization 523000, Budget Yr. 1997, to the Swimming Pools Maintenance Trust Fund, Index 254334, Account 491130, Fund 2860, Subclass 600, Organization 522000, Budget Yr. 1997 in the Department of Parks and Recreation.

Which was read and referred to the

Committee on Finance and Budget.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 2630 Resolution Providing for a contract or contracts, agreement or agreements, or the use of existing contracts or agreements for the printing of the 1998 edition of the Summer Magazine and other related recreational materials for the Department of Parks and Recreation in an amount not to exceed \$25,000.00, payable from Index 180109; Account 526150; Fund 1000; Subclass 150; Organization 520000.

No. 2631 Resolution Establishing an all day rental rate and a four hour minimum rental rate for the Schenley Park Skating Rink Meeting Room; and increasing the alcohol permit fee, all effective 1-1-98. The Director of the Department of Parks and Recreation is hereby authorized to establish a four (4) hour minimum rental rate, and an all day rental rate of the Schenley Park Skating Rink Meeting Room, and to increase the alcohol permit fee in conjunction with the Skating Rink Meeting Room. All rates are effective 1-1-98.

Which were read and referred to the Committee on Parks, Recreation and Youth Policy.

MS. MCDONALD PRESENTS:

No. 2632 Ordinance Amending the Pittsburgh City Code sections 501.01 (a); 543.02; 543.03; 543.05; 543.06; 545.01; and 545.02 to accommodate alternative forms of payment in parking meters and to better define the parameters of a metered parking space.

No. 2633 Resolution Authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and various County authorities providing for the coordination of residential and economic development activities, a single Executive Director of all public bodies, and non-competition between the City of Pittsburgh and Allegheny County without a compelling reason, which Agreement shall be effective as of December 1, 1997 and shall terminate on December 31, 1999.

**MS. MCDONALD** moved to suspend Rule 8 by providing for the consideration of the bills only after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

Also,

No. 2634 Resolution Authorizing the Urban Redevelopment Authority of Pittsburgh To Acquire All of the City's Right, Title and Interest, If Any, In and To the following Publicly-Owned Property in the City of Pittsburgh, Council District No. 7 (Residential Construction):

11<sup>th</sup> Ward, Block/Lot: 83-B-311, Address: 750 Mellon Street; 11<sup>th</sup> Ward, Block/Lot: 83-B-316, Address: 712 Mellon Street, 716 Mellon Street, 720-732 Mellon Street, 736 Mellon Street, 740-748 Mellon Street; 11<sup>th</sup> Ward, Block/Lot: 83-B-316A, Address: 738 Mellon Street

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

#### **MR. UDIN PRESENTS:**

No. 2635 Resolution Providing for the transfer of the aggregate amount of One Hundred Twenty-five Thousand (\$125,000.00) from various Code Accounts within the Department of Finance to Code Account No. 41, Refunds-Real Estate Tax, Department of Finance, Index Code 004101, Account 585020, Fund 1000, Organization 999200, Sub-Class 150, Budget Year 1997.

Which was read and referred to the Committee on Finance and Budget.

#### **THE CHAIR PRESENTS:**

No. 2636 Resolution approving the appointment of Steve Leeper as a Member of the Pittsburgh Water and Sewer Authority, term to expire November 30, 2002.

Which was read and referred for a Pre-Agenda discussion.

#### **The Chair:**

The administration sent this over this morning saying it did not need Council's approval and that it would be effective immediately. That is not the case. I believe

we have to appoint and confirm appointments to the Pittsburgh Water and Sewage Board. So we need a confirmation. I am not sure what the pleasure of the body is. I want to say personally, obviously Steve Leeper is a wonderful Administrator and a great person. I cannot support his addition to the board. I am unclear given all his other economic development assignments of which he's doing a tremendous job why it is he needs to be on the board. If there is some rational there is nothing explained by the letter to the Mayor as to why another staff member especially one who is so keyed in some of the economic development projects that we are working on. I personally would, before I could vote, I would like to see him come to the table and see if we can get an explanation.

**Mr. Udin:**

Is there a question as to why there is a difference of opinion about whether or not it needs Council confirmation?

**The Chair:**

I think they just didn't check properly. It does need Council's confirmation. We have confirmed the appointments in the past also of other staff people, Mr. Rowan Miranda was on it, and different people over the years from the administrative staff have been -- David Matter. Mr. Sirabella is still on the Board isn't he? Is there a vacancy on the PWSA?

**Mr. Ricciardi:**

Yes there is.

**The Chair:**

What is the pleasure of the body? Is

there any objection to having him here at the table to discuss the appointment?

**Mr. Udin:**

Ask him to come in tomorrow.

**The Chair:**

All in favor of asking for him to come in?

Which was approved.

I would ask the City Clerk and Councilman Udin see if he can be available tomorrow. Maybe there is some reason why the administration would like to see him on the board. I would like to hear a better explanation.

That concludes our Presentation of Papers. Any unfinished business or reports of special committees? Hearing none, Reports of Committee.

#### **REPORTS OF COMMITTEE**

##### **MR. UDIN PRESENTED:**

Bill No. 2637:

Report of the Committee on Finance and Budget for November 25, 1997, transferring sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2589:

Resolution authorizing the transfer of Nine Hundred Ninety Two Thousand, Three Hundred Sixty Seven Dollars (\$992,367)

from the General Fund to the Local Law Enforcement Trust Fund, Department of Public Safety. (PRESENTED BY MR. COHEN)

Which was read.

Also,

Bill No. 2602:

Resolution providing for the issuance of a \$7,127.26 warrant in favor of Carl A. and Geraldine Black in settlement of a claim in which improper street resurfacing on Rodney Street resulted in water run-off damaging claimants' retaining wall and porch; the issuance of a \$1,626.74 warrant in favor of Treasurer, City of Pittsburgh in satisfaction of an outstanding lien of Carl A. and Geraldine Black for a house razing, and the issuance of a \$146.00 warrant in favor of Treasurer, City of Pittsburgh in satisfaction of the Court costs relating to said lien.

Which was read.

Also,

Bill No. 2623:

Resolution providing for an agreement with Charles J. Kolling, Legislative Consultant for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1998, at an aggregate cost not to exceed \$30,000.00.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion?

Mr. Udin:

Yes, Mr. President. I am prepared to support the renewal of Charles Kolling's contract as the City's Lobbyist in Harrisburg. But I have to register some level of dissatisfaction to what extent Mr. Kolling is a lobbyist for the Council as well as the for the administration. I get a newsletter from him every month, I guess it is. But I don't sense a real and dynamic relationship and availability that Mr. Kolling represents for Council. Keeping Council informed of any lobbying activity that he's doing on behalf of the City. He does that primarily with the Mayor's office and not to Council. It may be that he is communicating with other members of Council, and I just haven't unveiled myself of it, but it seems odd to me that he's either a lobbyist for the City, or lobbyist for the Mayor or he's a lobbyist for Council. But I have a difficult time frankly feeling his presence as a lobbyist for City Council.

Mr. Ricciardi:

Thank you, Mr. Udin. I was going to discuss the same issue. Obviously I am support the resolution before us. I think Mr. Chuck Kolling is a very fine individual, very professional, does his job very well. Except I have a little different of a spin on it, Mr. Udin.

I think the problem rests is that the lobbyist, no matter who it is, is supposed to be obviously lobbying on certain issues and caring out the agenda of the City of Pittsburgh.

What's happened here is the

administration not taking us into the folds to discuss what we believe our agenda is. For example, yesterday I was unable to make it but I was watching City Council during the deliberations and it was Valerie McDonald matter of fact who brought up some issues in Harrisburg with Mayor Murphy. With all do respect at times you could tell that was a very frank conversation, but it was a new conversation. A new discussion, it was not something that had occurred in the past. I think the problem is obviously we entered into agreement with Mr. Kolling, but if you really read the resolution, the intent is that he or she works through the administration. It would be very difficult to work through everyone. So if you don't mind me saying this, Mr. Udin, the problem is we need to have a meeting to set up with the administration where we can talk about our agenda. We could talk about what we want the lobbyist to pursue. Is it the occupation tax or is it percentage of occupation tax that Ms. Valerie McDonald talked about yesterday? Is it maybe money for stadiums or is it strategy \$21? But we need to sit down with the administration because they do formulate a policy. As a matter of fact they used to during the Masloff administration put out a booklet if you recall, Mr. President. I am not sure if that booklet is still put together by this current administration and shared with us.

But just in summary, what needs to occur is we need to sit down with the administration to get our agenda together, then Mr. Kolling can get back to us and respond to us on each particular issue.

Do I disagree with Mr. Udin? No. We have the ability and we should be communicating directly with Mr. Kolling. I have in the past; he was very helpful to my staff when we did the negligence on police

pursuits and passing that legislation. I worked probably with Mr. Kolling on a daily basis.

Lately, a few weeks ago, I had him do some research for me on a particular bill, he did it. He wasn't carrying out an agenda. That needs to be put together by the administration and this body.

#### The Chair:

Let me respond. I go back a long way with this lobbying even before Mr. Kolling was the lobbyist. There is really only one way to resolve this and that is by amending this resolution. We can talk about better communication, having meetings, and the like. Basically this gentleman was hired; he is a skilled professional. That's not the issue, he is talented, we get our monies worth. But basically, on a practical level it is the Mayor and the administration that dictates what the arrangement is.

One suggestion is if we were to amend this to do two things, if we were to have a quarterly briefing by Mr. Kolling in Council. Secondly if we were to amend this to say that by a majority vote and formal resolution of this Council, this lobbyist will act on our behalf.

An example would be by majority vote. We all felt strenuously on the issue that emissions testing issue back if you remember a year ago, or whenever it was a couple of years ago. There have been a number issues that Council by majority vote and by resolution either non-binding or official proclamations such as police chase issues. I can go back and recall a number of issues.

I would suggest that if we want this

relationship and for that gentleman to lobby on behalf of the municipality as it relates to Council's will then we have to amend this appropriation or we have to hire our own lobbyist. I am opposed to hiring a separate lobbyist because it doesn't make any sense. If we are going to have a united front in Harrisburg as City of Pittsburgh, I think we need to have a united front with that.

I would strongly suggest that if there is a majority now I mean colleagues in the past were not willing to consider this. I did argue this point in the past. If we want to do that now, then I strongly suggest we amend this bill to include not only quarterly interactive meetings with Mr. Kolling but also that by a majority resolution vote that this gentleman will be directed to take on a particular issue. One that is an official action of the municipality as expressed by Council.

**Mr. Udin:**

I would support that amendment but, Mr. President, I would also add that if Mr. Kolling is working on an issue in Harrisburg on behalf of the City of Pittsburgh, Council needs to know about it. I don't believe that that usually is the case. We find out afterwards. For example, the legislation that was recently past in Harrisburg relative to the municipality's ability to assess nonprofit institutions a rate that whole issue resulted in some legislation. Mr. Kolling on behalf of the City of Pittsburgh was very active in that process at the behest of the administration, but I don't know who among Council members was informed or involved in that discussion.

So I am not sure how we work out the apparent conflict or separation of issues between Council and the Mayor's office as it

relates to Mr. Kolling. If he is working for the City of Pittsburgh in Harrisburg, I want to know about it. Whether or not it's Council or Mayor's office initiated.

**The Chair:**

I think fundamentally the issue is that we as major municipality, we the City of Pittsburgh, we need to have a lobbying presence in Harrisburg. No different than the School Board, the URA, the Port Authority, and other major public municipalities and agencies.

Administratively and on a practical level, it has always been the case that the Mayor and the administration dictates or involves the relationship of what the key issues are. Council, for whatever reason has not been an active player. There is an easy way for Council to be an active player. I would suggest that we amend this for quarterly briefing and that also that this lobbyist as part of his contract duties would actually officially represent the municipality when this Council takes an official act of a resolution.

That doesn't mean that on an individual basis if someone is working on an issue they can't call the gentleman. But where Council as a majority body with five votes and including Mayor over-ride if we take a stand either non-binding resolution or actual resolution, and it is the expressed legislative will of Council, whatever the issue is, then I think this gentleman should act on behalf of Council. It's not a question of Council, it is a question that we have taken an act on behalf of the municipality. If we want to do that, I am all for it. I think we should amend this now to include quarterly briefings and that contractually this lobbyist will represent the legislative will of the



municipality as expressed by a vote of Council. So when we take an action on an issue and then we expect him to act and report to us the progress on the issue, that's an easy way to resolve it.

**Mr. Ricciardi:**

We may have to recommit this bill. According to your amendment, if there are five members of Council that passes a certain resolution and it's the legislative will of this body, does that mean there is also a veto power by the administration over that particular stance?

**The Chair:**

I would suggest that we do it formally. We have a formal way to adopt resolutions.

**Mr. Ricciardi:**

So you are saying that with the veto power over the five?

**The Chair:**

I think it is an easy way to resolve the issue. We don't want to be working across purposes. So presumably if an issue reaches the threshold of the majority vote of Council and/or six votes of Council and we overwrite the Mayor who may disagree on an issue, I think that's an easy way to reach a majority consensus.

I am suggesting that when and if Council by a formal vote of resolution takes a position, I think maybe Councilwoman McDonald as past President of School Board can speak to this. But I believe when the School Board has taken a stand on an issue in Harrisburg they instruct their lobbyist to

represent them on a given issue. I think that's what the URA board and -- so I am proposing a way to just resolve this and see how it works in the incoming year.

**Mr. Ricciardi:**

Here is a reason, then colleagues, if we do this I think the bill needs to be recommitted with all do respect, my position was that we should get together at the beginning to get the agenda together. I am not sure how the entire contract reads.

For example, if we begin to add initiatives to this, I am not if it would be covered within the certain cost that we are paying for the contract. For example, I am sure that the administration has sat down with the lobbyist and went over certain agenda and what it would cost us. If City Council now becomes involved in certain issues after the fact, my concern, Mr. President, is that the lobbyist will come forward and say this was not part of the original agreement.

I guess what I am saying is if we make that type of amendment, I would either have to abstain, vote no, or I think it is better if we recommit. I am just letting you know my position.

**The Chair:**

Lets be clear, we are not asking for more work. We are just resolving Councilman Udin's concern about what this gentleman speaks and lobbies for in Harrisburg. We are just saying that we want to have input. The way to have input is that certainly the Mayor to his credit has a strong legislative agenda for Harrisburg. There are times on occasion when this Council feels very strongly on an issue, payment in lieu of

tax issue, and the gas emissions issue. There are a number of issues that we acted upon majority vote. I don't see that that is anything more. It is just a question of giving him some direction of what he's supposed to do.

By the way, we are not just — We have a staff person Peg McCormick who is paid by the administration office and a significant salary that also basically does lobbying. So it's not like these are our only funds that the administration has at their disposal for lobbying.

**Mr. O'Connor:**

I think I asked the same question when I first came here. I think Mr. Udin brings up a good point. I don't believe we have an agenda and we have no accountability. He may be doing a great job, he may be doing a fair job, maybe a poor job, Peg McCormick; he ought to meet with us. I remember when we put that job in maybe five years ago to lobby for Harrisburg and federal funds. If you look at Pittsburgh, if you read the Wall Street Journal they tore Pittsburgh apart because Philadelphia is killing us. It is in black and white. I wish I had the argument here.

Something is missing here. It is a region, not just the City. I would like to maybe bring Mr. Kolling to the table and let him explain how he can relate better, to do a better job. Again, maybe he is doing an excellent job. I don't know it. Maybe that's the questions Mr. Udin is asking.

**The Chair:**

It is clear there is a lot of unreadiness. I don't think we should act on this finally. I think unfortunately the

meeting was so packed last week; it got to be difficult to even discuss everything.

**MR. HERTZBERG** moved to recommit.

**Mr. Udin:**

If I could just add before we recommit. I think there was an important discussion. There were a couple of colleagues not present when the Mayor addressed us yesterday. When I brought up the issue of the need for Council and administration to work more closely together up front and to be consulted early in the process of issues that we are going to be coming before Council. I think we had a pretty honest and frank discussion around that issue, Mr. President. The way I read the Mayor's response was essentially, thank you but no thank you. I run the Mayor's office, you run Council. We have separate rules and responsibilities. You do yours and I will do mine and we will try to communicate as best we can.

With that kind of separation, I think that the issue of how we collaborate on what our position what the City's lobbying stance is in Harrisburg, is a very important question. There are issues that Council ought to have being worked on in Harrisburg. If we are not going to have the kind of close collaboration with the administration for the next four years that I had asked for and it is obviously his right to have that kind of distance and separation, then we really need to look at how are we going to get those issues worked on. I don't know that the way this lobbying contract is constructed will get us there.

**Mr. Onorato:**

Briefly I don't mind resubmitting but

I see it heading in what I believe is the totally wrong direction. I don't disagree that we should have input and we did at that one time on a key issue. Believe it or not, I forget what the issue was. But we had Mr. Kolling at the table where we had a concern of what he was doing in Harrisburg for us. It was about an hour meeting here at a Wednesday session and we definitely gave him our two cents on what we wanted to be done. He reported to us and I think that is our proper rule. But in no way could I support any balkanization or further balkanization of this region going to Harrisburg. It's already a disgrace that the City and the School Board go separately. I think that is unbelievable. I think that's what hurts us.

For us to think about possibly going to Harrisburg and the Mayor's agenda and Council's agenda will be total disaster. I think what has to happen is and I think it can happen without an amendment, is Council has this legislative prerogative through ordinances and resolutions and we direct the Director or the Mayor to do something. At that point the agenda the City has set. The Mayor obviously is a strong form of Mayor for our Government, but that kind of fighting stays here in Western Pennsylvania. When we go to Harrisburg we better go with one voice. I would fight and argue we get the School Board on board some how we get the delegation from the County on board so that when we go to Harrisburg they don't know what our dirty laundry is, that is our concern here. We swing it out here and fight it but once the meeting is over, we go as one voice, Harrisburg united not with three, four, or five voices. I hope that is what the end result is after the discussion.

**The Chair:**

That's exactly what I am saying. I am saying when and if this Council by a formal act adopts a position, as far as I am concerned that's Mr. Kolling's obligation is to represent this municipality.

**Mr. Onorato:**

But that is where I disagree with you, Mr. President. I agree to the extent however this is a request from the Mayor to hire a lobbyist. It got to the point where we had a different opinion than the Mayor, the Home Rule Charter is very clear that Council can hire attorneys and consultants and if it got to the point where we need our own voice, we go out and hire our own.

That is the one exception where we can enter into a contract. Everything else has to be done by the executive branch. While Kolling represents us as a City and we direct him to do something, if we got to the point where there was a dispute between the Mayor's point of view and Council as the body, the legislative body, Council has the prerogative to go out and to hire its own consultants and its own attorneys to do its bidding for them. If we ever got to that point.

So, I don't think we have to amend this bill. We already have the power to do that and just go around Mr. Kolling for something if we ever had to. I don't think we will. If the majority of us called him in here like we did before, he's going to be here and be response. I think that is how to handle it.

**The Chair:**

The amendment is more just to make the contractual relationship more clear to the lobbyist.

**Mr. O'Connor:**

I don't think so.

**The Chair:**

It's clear we are going to recommit this.

**Mr. O'Connor:**

I don't see it as adversarial. I see it as Ms. McDonald brought up yesterday, wage tax issue and everybody kind of quits on it. Maybe he can say this is the time to attack it. I think everybody would like it, but we don't go after it. I see it as working together, but if we don't have an agenda as Mr. Udin says, at least we ought to know by meeting with him. We can know what the Mayor's agenda is. I don't think anyone is fighting going to Harrisburg for money and whatever is going to benefit our City.

**The Chair:**

I think to be fair to the Mayor, I think there is a strong agenda. I think the Mayor has done a good job in having legislative presence, not only with Peg McCormick and Mr. Kolling. I think there are a number of examples where we got increased revenue back from Governor Ridge and the state legislature to help out our court systems that Mr. Kolling was working on, the payment in lieu of tax bill which was advanced. I think there are a whole host of issues many of which that we are not even necessarily that aware of because there are a lot of the kind of day-to-day drudgery of working with the government bureaucrats in Harrisburg. I would suggest we bring Mr. Kolling in, bring Peg McCormick in and kind of get into an in-depth discussion of some of the issues Councilman Udin initiated.

**Mr. O'Connor:**

Your quarterly briefing would do that. I don't think -- we maybe giving them a big pat on the back. It is not that we are against it.

**The Chair:**

Well, let's bring him in and see.

**Mr. Onorato:**

My point is you don't need legislation to invite him in.

**Mr. Ricciardi:**

I am voting not to recommit because I don't see exactly what the goal is to recommit. I know exactly where we want to go. I don't think it is part of this resolution. We don't have to hold the resolution hostage to get where we want to go. Let's just pass the resolution and have a productive conversation with the administration.

**Mr. Udin:**

Isn't he due in anyway? Didn't we ask him last week to come in?

**The Chair:**

We will recognize some official motion.

**THE CHAIR** moved to recommit.

**MR COHEN** seconded the motion.

**The Chair:**

Any discussion? Role call vote on

the motion to recommit.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Udin
	Mr. Ferlo
	(Pres't)

**(MR. RICCIARDI AND MR. CUSICK VOTED NOE)**

**The Chair:**

The bill is recommitted. Other bills? Other discussion? Hearing none if you are in favor of the remaining bills, please vote aye when your names are called, if opposed, vote noe.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

The bills having received the legally required number of votes, have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2638:

Report of Committee on Planning Zoning and Land Use for November 25, 1997, transmitting an ordinance and a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2371:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by amending Article I, Administration, Chapter 903, Definitions, to amend the definition of "Family" and to make a definition for "Community Home; amending Article I, Administration, Chapter 909, Board of Adjustment to add "Family Community Home" as a special use exception; and amending Article III, Districts and District Regulations, Chapters 927, 929, 931, 933, 934, 937, 941, 971 and 975 to add "Family Community Home" as permitted uses in certain residential district. (SPONSORED BY COUNCILMAN FERLO)

Which was read.

Also,

Bill No. 2544:

Resolution Amending Resolution No. 934, approved September 18, 1992 entitled "Providing for implementation of a Residential Parking Permit Program (RPPP) Area "T" in the Beechview community pursuant to Pittsburgh Code Chapter 549" so as to amend the streets in Area "T".

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Onorato:**

Yes, Mr. President, on Bill 2371, which is the Community Home Bill, from a procedural point of view I would like to try to work through all the amendments and get a final vote today. Only because of timing of the month and all the bills we have on the agenda with the budget. Before I start talking about an amendment that I have --

**The Chair:**

Can I speak just on the procedural? I just want to respectfully disagree for one practical reason. I believe there are at least three subsequent amendments on the floor, I think yourself is offering an amendment, Councilman Hertzberg and myself. I don't mind an up and down vote now, but I want an opportunity to have the Law Department and the Director at the table one last time to respond to some of these amendments including the issue of moving back to six. It's up to you.

**Mr. Onorato:**

I guess it is up to the majority of the body. I looked at the amendments, it appears that the issues of each amendment have been debated and have been common on the Law Department. I am willing to go with the vote either way on all of them. I think the legal issue, it won't resolve, it is still going to split Council and that really won't give us any more information. I am willing to vote on all the amendments today.

**The Chair:**

My only concern is and especially on the

issue of moving eight to six, if the majority want to do that, that is fine. You know my feelings on that. I spoke at length. A number of colleagues were not present at the Wednesday session during the lengthy interaction with the solicitor and the administrator on this issue. If that were to be approved, I would also ask that this bill be amended in some way so that Council appropriates whatever legal monies and are aware of what the legal burden of obligation is that we are embarking on.

**Mr. Onorato:**

On a point, I think you made a very good point last week. No matter what we pass, we are probably going to be challenged. So, to say that the eight to the six will trigger it, I don't believe it. I think it will be triggered regardless of what we pass. I think you are absolutely right on that. I don't think we have to worry about amending it. We are going to have to allocate money whenever that battle comes down the road.

Procedurally, I would like to try to do the amendments and vote today. If the majority wants to do that, if not, I don't even want to debate the issues because why do it and then just recommit it. I would rather try to do it and work through it. We have all nine of us sitting here. I think we can do it today. I don't know how you want to handle that?

**The Chair:**

You are the Chair. It is up to you. I am just expressing my reservation only because -- especially on the issue of amending back to six or amending to six. I think its a substantive change I think there is a legal question about whether or not it has

to go back to the Commission for further report and recommendation and I also think that we need one last discussion with the Law Department. I want to be clear that if the majority acts on the issue of lowering it to six that we understand legally what the pursuit will be. I want to be able to have some discussion. I will respect the majority on this issue, but I would like to know and I think to be fair not only to providers but also to community groups. I would like a better understanding of what is the financial commitment and/or what will happen legally and are we prepared and understanding what we are doing?

**Mr. Onorato:**

I don't think anyone can predict what will happen legally. I do want to comment on the issue. If it goes from eight to six, and that's an if, if it does, the issue of should it be recommitted to the Planning Commission, this is my opinion, my opinion based on the law the way I know it, that it would not have to be recommitted because the six issue was debated and sent to the Planning Commission under one of the seven bills. I think it was my bill and the Planning Commission did rule on it. They didn't rule the way I wanted them to, but they did pick up that issue and debate it. It does not have to be recommitted or was a substantive issue that was already reviewed by the Commission. I don't see it as the change.

**The Chair:**

There is a substantive issue about it. If we disagree, and it is a substantive issue, I agree with you to some extent, there is an issue of whether or not seven votes are needed or five votes to over-ride the action of the Planning Commission. But none the

less, I respect yourself, you are the Chair of the Committee and what you want to do here.

**Mr. Cohen:**

In many ways the last thing I want to do is recommit this bill. We have had it before us for a long time. I respect the Chair on that position. However, I do support recommitment for two reasons. Number one is that there are a number of amendments being offered here. I for one would like to hear the administration's response to those amendments. I realize, Councilman Onorato, that one or two of them are amendments that we have or at least on the subject that we have debated before, but I for one still have not gotten a clear answer from the Law Department on the six to eight issue. It's a policy issue, but it's also a legal issue, in some ways even more of a legal issue than a policy issue. I would like to hear about that and the other the amendments that are being proposed the administration's response.

The other reason that I would like to see it be recommitted --

**The Chair:**

Can I just respond to that one issue? I think part of the problem I don't think we have asked the Law Department the right questions. I think we should ask the Law Department if we want to move to six, prepare us a legal memo giving us a defense of the action.

**Mr. Cohen:**

I have asked for a written legal memo, and for some reason the administration has refused to provide that.

**Mr. Onorato:**

I have asked too.

**Mr. Cohen:**

I think we have to have that to make an informed decision. To be able to look at the cases and see which way they have come out. I realize the courts are split, but we need at least to have a legal memo to tell us how that happened.

The other thing I want to bring to Council's attention that bothered me after the meeting last Wednesday. Apparently the Planning Commission on the amendment where you offer a further amendment, Council President Ferlo, the one dealing with the density bedroom issue. Apparently the Planning Commission voted for an amendment and that amendment was never put into the bill that came before Council. I want to find out why? This is a procedural problem there. I don't if you remember, but I asked about why under Section 3C, the factors of the Community Home where it said the use does not require alterations to the interior of the structure for purposes of creating a substantial number of additional bedrooms. I asked about that phrase because I thought that was so ambiguous. A substantial number. What does that mean? You know what, that is not what the Planning Commission voted on. That was apparently, my understanding from talking to a Planning Commission member, was apparently put in by the staff after the meeting, but it was not voted on by the Planning Commission. I think that is a potential procedural problem that could cause serious damage down the road. So I would like to ask about that as well. I would like to see it recommitted so we can discuss

these things.

**The Chair:**

Other comments just on the procedural issue?

**Ms. McDonald:**

I also would like to vote for recommitment. I do want to ask one technical question about the procedure as far as discussing the amendments that are before us now. The amendment specifically offered by Councilman Ferlo is new. I said very strongly that I have a problem with designating how many people can be in a bedroom. We don't do that for families. I think you're pushing the envelope there for this bedroom thing. But at the same time I understand the reasoning behind it as Councilman Onorato had explained. I see no problem with going one more round with them.

The question I would have, I know it has been on the table for a long time, but why is there a reason someone can't wait one day or one week?

**The Chair:**

Other discussion, just on the procedure?

**Ms. McDonald:**

I am asking the questions. It really is a question. If somebody has a point that I need to know about why we can't wait a week, I would like to know. Other wise I would to recommit.

**Mr. Onorato:**

I can respond to that. I respect that



question. A lot of the problem I have with it obviously it won't be one day. I don't believe that the Law Department or the Planning Commission or the Director will be prepared to adequately address the amendments at tomorrow's hearing. They will ask for a hold that will put us to the next Wednesday's meeting, which puts us to the middle of December. I still don't think a majority or a large minority of Council members is going to be satisfied with the Law Department's decision or with the Director's decision. We are going to be putting this right against the end of the year. Then we will probably start losing members. If we don't get a vote on it, it is going to go into the new legislative session and we will have to start all over again, recommitting it.

The Planning Commission has sat on this for almost two years. I have been working on this along with Council President Ferlo and Councilman Cohen and a lot of other members. I don't know if we have enough time to do that. If it were just recommitting to talk tomorrow, I probably wouldn't have a problem. But what colleagues are asking I don't think we are going to have an answer for in the next week. I just don't think that can happen.

**Ms. McDonald:**

On that point, I can personally commit that if there is a fear that we are going to lose Council members and that this may not be able to even be considered before the end of this fiscal year, I will commit to calling the question on this whole ordinance and just getting it through this year. I think that if other colleagues would also make that same commitment, you would have that trust that we will pass this one way or another with some amendment, no amendment, something is going to pass

before the end of this year. If that's what your concern is trust, that we are running out of time, I would like to take more time. But I can't commit that I won't take an indefinite amount of time to consider what the Law Department, what legal opinions and what technical expertise Planning can share with us.

There is still a lot of questions, but I think if we commit to pass this one way or another before the end of the year, it would put pressure to bare on the administration to address Councilman Cohen's questions and others about amendments that are missing, whatever happened to those amendments, what did they look like, a written legal opinion. It would put pressure to bare on the administration, let's go, let's get with this so we can pass it.

**Mr. Hertzberg:**

I would support a recommitment. One reason is the current piece of legislation that was amended on the density issue, I think that particular provision is very much problematic. We have a memo from our Director of Planning asking that Council not include that particular provision so our Planning Commission Director is telling us she doesn't like the bill as it sits in front of us today. I am sure she would like the opportunity to explain that more fully.

Also, the amendments that I am sponsoring are just being proposed today. I am sure that the Law Department and the Planning Director would also like to look at those amendments. I believe, they are just clarification type of amendments that make it clear that these Group Homes facilities are to be distinguished and differentiated from treatment facilities, but they may have a different point of view and I think we need

to get that. I am in support of recommitment.

**The Chair:**

Other discussion?

**Mr. Onorato:**

I will end it. You can call the question, if someone makes the motion. I will vote noe on recommitment. However, I will respect the majority of the body. I want to point out that it is very clear that the Director of my department that I am Chairman of and Council does not agree with any of my amendments. It is very clear that the Law Department are drafting legal opinions to support her position, which I can respect. It is very clear that George Spector said that there is no defining legal decision on these issues meaning the eight to six. All we are going to do is get legal amendment that is going to be against the amendments that I am bringing forward and imply that it will some how trigger a law suit, maybe quicker than if we don't do it.

I don't see we gaining anything from it. The issue of density Councilman Hertzberg talked to me about it, I was willing to deal with that through an amendment today. I think the Planning Commission and the Law Department spoke very clearly on that. They don't like any of my amendments. They were pushed to give us a legal opinion. I think the best we can get out of them is that we feel that it will be challenged. We feel it will be challenged immediately. We feel that third circuit is very strict on how they interpret it. But you are not going to get a definite this is illegal, because it isn't. The courts are split. This is a procedural move by people that aren't in favor of it; I can respect that if you have the

five votes.

However, I would hope that at some point that as Chairman of the Committee I would receive the respect to have nine members in the room to vote my amendments up or down. If I have the five votes on them, let's do it and we will deal with the issue. But we are not going to get anyone to make the decision for us and some kind of special opinion or some kind of legal opinion from the Law Department. This thing has been debated. These issues have been debated. They have been negatively recommended probably from the Planning Commission if you interpret how they sent the seven bills up. The Law Department is very nervous of what they put in writing because it is not clear. We are just going to prolong the same discussion. That's why I will be voting noe on the recommitment.

But I think it will be a shame if we get to a round of voting either in the Committee session or in the final session. There aren't nine members here and we got votes that are splitting four/four, four/three because I don't think it is fair the residents of the City of Pittsburgh. That's not the democratic process. We finally got to the final point. It appears that I might have a shot at passing one or two of the amendments. I view this as recommitting and hoping that one of my five votes is not present. But I will do what the majority wants to do and I will vote no on recommitment.

**The Chair:**

Let me just clarify. I have no objection. Obviously I support the recommitment for further discussion. If majority wants to have this ordinance be six, that's great. Where I disagree with you,

Councilman, is your characterization as we are not clear on what the law is or that we have not been given clear direction. I think the Law Department and the Planning Commission has given us clear direction as far as their best interpretation of what federal law is. I think its clearly the best legal advise from the Law Department challenging the notion of lowering it to six or five or anything other than the minimal eight.

My concern is that if the majority want to move it to six, I will respect the majority. I wanted to be able to know from the Law Department what course of action will that mean, what obligations are we taking on? Unlike the Dodgers, which got discussed in the back room, if we are going to take on a major legal battle, to me this is similar -- meaning that we should understand legally what our burdens are. We are talking about possibly having to incur expert legal witnesses. This is a Federal Civil Rights case. Its no different than a major case that the City got involved with under the voting rights act when we went to the district system and had to pay out a major settlement.

I think we are talking about the magnitude of this issue is not something minor like the Common Wealth Court deciding on the gun law that we passed. This is a major Federal Civil Rights Action that will incur significant dollars. If the advocacy of this Council on behalf of the residents is to want to rally around the group home legislation with the six, I will respect the majority. But I think it is reasonable and fair for the City, myself, and my constituents to understand what is it that we are getting involved in. I will respect the majority. I want to understand, what will be the battle that will unfold, and I think we should just

be prepared for it. I am not saying don't be advocates. I want to understand what the battle is that we are taking on.

**Mr. Onorato:**

I want to be clear. The director, just like me, has a very biased view on this.

The director thought that the eight was too low and she would like to have it higher. The Law Department is responding to the Director's wishes here. I don't think, correct me if I am wrong, the Law Department did not give us a legal opinion clear-cut that eight is as low as you can go. They did say to us, George Spector said, I think that eight is one that can probably challenge a little better than six. However, it is not clear. I want to make that point clear. The Planning Commission and the Law Department are in total disagreement with me. I recognize that. However, they cannot point the legal precedent to say this is what the law is. Because they have a certain bent on it, I have a certain biased on it. I could get you outside attorneys that could argue a legal opinion to the six just as much as he can the eight. I think that's the bottom line. I don't want to imply that George Spector and Director Hirsch are coming my way, they're not. They do not agree with my amendments. They think this is wrong and they think legally that we will lose.

**The Chair:**

Let me ask you a question. Don't you agree, Councilman, as an attorney if the majority decides that we want to go to six as matter of public policy, don't you think if we are going to get into a legal battle, that we should have on the record some information through public hearing, testimony, or discussion at the table as to some rational as

to why we are going to the six?

**Mr. Onorato:**

Yes.

**The Chair:**

Through the course of the hearings, unfortunately, other than a chart that the Highland Park Community Club did, which was referencing the City Law Department's memo to us on this issue of six versus eight. If we are going to take on that battle, I would like to have the record established as to why we are taking that course of action. Do we, as an example, we have had Oxford House on Emerson Street in Shady Side operating for last several years. I would be curious to know, what were the incidences involving that operation of that group home as it relates to the adjoining property owners, 911 calls, incidents. If we are going to take on the battle all well and good, but could we not at least prepare ourselves -- we have nothing on the public record that shows detrimental impact other than general comments made by community leaders.

**Mr. Onorato:**

That is why last week I was very careful on how I argued and there is something on the record. If you can recall Councilman Cohen asked Mr. Spector directly is there a case that was overturned that had six in it. Mr. Spector said yes. Then I asked a question can you at least elaborate did that municipality have the special exception provision to go above eight? He specifically said, Mr. Cohen, I don't know. I put on the record the reason our code here, if we change it, probably will have a good legal leg to stand on is that we are not putting six as a band. Saying

anything above it, you can't have. We are saying six use a right. Above six, there is a procedure; it is called a special exception that you can get the ten, the twelve, and the thirteen. We are not banding it. That's why our code is going to be very progressive compared to what was rejected by the court. We are putting in a procedural safe guard to allow larger ones. We are not banding it. That is why that was on the record.

**The Chair:**

But I think all the courts explicitly said that whatever action we take is municipality. If there is not some body of evidence or some objective information that this Council used to decide eight versus six that's where all the difference in the district courts at least in the memos I read raised the significant question of discrimination.

**Mr. Onorato:**

I didn't see that. That is not what I read.

**The Chair:**

That is what I read.

**Mr. Cohen:**

If you recall, this was supposed to be a discussion on procedure. I would suggest --

**The Chair:**

Procedure is whether or not we want to have full understanding legally of what we are actually taking on.

**MR. COHEN** moved to recommit.

**MR. HERTZBERG** seconded the motion.

**Mr. Cohen:**

What I would suggest then because Councilman Onorato makes a valid point, that when we do vote on this, we should have everyone there. I would ask our Finance Chair, Councilman Udin, if he would be willing to put this issue up first on tomorrow's agenda so we can have the discussion and a vote and with everybody there.

**Mr. Udin:**

Provided you get a commitment from Council members to be present.

**Mr. Cohen:**

You have mine.

**The Chair:**

I would like as part of that the Law Department to explain to the Council that if we vote for six, what is its obligation wise legally in terms of finances that we are taking on?

**Mr. Onorato:**

With all due respect, why don't you ask the same question for eight.

**The Chair:**

I am asking the question.

**Mr. Onorato:**

You're making it sound like six is going to be lawsuit, eight isn't. We are going to be sued under either scenario. So, if you want to ask the question, what should

we set aside once we pass the bill, I think that's fair.

**The Chair:**

I don't know that is what the Law Department says.

**Mr. Onorato:**

That is what he said.

**Mr. O'Connor:**

I am not a lawyer, but I am tired of paying them. I want to know, I don't want to waste their time, I am not going to vote on it tomorrow unless they give me a number if we go to court, we have a potential of spending X amount of dollars to win or lose. I need that number tomorrow, before next week, before final vote.

**Mr. Onorato:**

One final thing before we call the vote.

**Mr. Hertzberg:**

Just as far as what it is going to cost us and those issues if we get sued, we have no choice. We are going to get sued. Let me finish. To not act is to take the same risk in this area as we take to act. The risk is out there regardless of whether we act or don't act. Whatever we do there is a risk. We can try to keep the risk lower by passing a responsible legislation as we can. I am convinced after reading the cases and my analysis of the issue of density, is that is the most dangerous issue that we can deal with as far as litigation and as far as our chances of losing in court are concerned, that that density issue is a big problem. Although our

own U.S. circuit court here has not addressed the issue yet, it has set the standard for how you address that issue. The other courts that have used that particular standard have struck density issues. The only court that approve the density issue used a different standard. Its kind of a hint here as to what may happen if we do pass the density part.

**Mr. Onorato:**

I just want to comment. I agree with Councilman O'Connor I am tired of paying attorneys also, but there comes a point where as a City we have to respond to the vast majority of residence and neighborhoods that are saying put something in that is fair and reasonable and legal in place. I don't want to constantly react to special interest groups that just threaten a lawsuit. I think there comes a point where we have a legal leg to stand on and it is worth a challenge to protect the integrity of the residential characters of our neighborhoods. I think we are getting close to that point. I would hope that we do that soon.

**Mr. O'Connor:**

The point that Mr. Hertzberg brought up, I would like to see that case because although no body is allowed to talk about it, it is probably the most important thing of our neighborhood. I want to make sure if we go to court, we have a better than 50% chance of winning.

**The Chair:**

Role call vote only on the issue of recommitment of the bill.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Udin
	Mr. Ferlo
	(Pres't)

**(MR. ONORATO AND MR. RICCIARDI VOTED NOE)**

Bill 2271 is recommitted.

**Mr. Onorato:**

What are we going to do tomorrow when the Law Department and the Director shows up and says they didn't have enough time? Are we going to hold for a week? My guess is they are not going to have enough time.

**The Chair:**

I think I made it clear. If the majority want to go to six, that is great. My question on that issue to the Solicitor, I would ask Solicitor Morrow to be here also, our City Solicitor, in addition to Mr. Spector. I would like to ask them to explain to us any -- just go through the legal procedures associated with a court action and what are some of the financial fiduciary issues that we need to think about. If the majority wants to fight in Federal Court on this issue of six, lets respect the majority.

**Mr. Hertzberg:**

I would ask my amendments be transmitted over to Planning and Law Department as soon as possible.

**The Chair:**

Can we forward any proposed -- colleagues, if any colleague, I think there are three on the table. I have one further clarifying the renovation of a home on bedroom issues. Councilman Hertzberg has one further clarifying the issue of group residents. Councilman Onorato has proffered one regarding the density issue.

If there are any other written amendments, could we please have them to the City Clerk and get them to the Law Department today? I want the Solicitor here tomorrow to discuss these budget.

Under remaining bill, role call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES**    Nine        **NOES**    None

The bills having received the legally required number of votes have been approved finally.

**MR. COHEN PRESENTED:**

Bill No. 2639:

Report of Committee on Public Safety Services for November 25, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2558:

Resolution providing for an agreement for the provision of salvor services for the years 1997-2000, for the Bureau of Police, at no cost to the City.

Which was read.

Also,

Bill No. 2559:

Resolution amending Resolution 961, approved September 17, 1992, which authorizes the City Controller to create the 911 Emergency Telephone Act Trust Fund (ETATF) and provides for the deposit of monies into the trust fund by the City Treasurer to cover any and all eligible expenses for the support of the City of Pittsburgh 911 Operation.

Which was read.

Also,

Bill No. 2560:

Resolution authorizing the City Controller to create a special trust fund to be designated as the Local Law Enforcement Trust Fund (LLETf) for the deposit of \$992,000.00 grant monies received by the US Department of Justice.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion. Hearing none, bills are now ready for final action. All if

favor vote aye when your names are called, if opposed vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES**    **Nine**        **NOES**    **None**

All the bills having received the legally required number of votes have been approved finally.

**MR. O'CONNOR PRESENTED:**

Bill No. 2640:

Report of Committee on Engineering and Construction for November 25, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2562:

Resolution providing the verification to the Department of Conservation and Natural Resources (DCNR) that the work authorized to be performed utilizing the \$100,000.00 grant awarded to the City by the Department of Community Affairs (DCA) through the Recreational Improvement and Rehabilitation Act (RIRA)

Program for Southside Riverfront Park Rehabilitation has been completed in accordance with the Grant Contract.

Which was read.

Also,

Bill No. 2594:

Resolution Further amending Resolution No. 1018, effective January 1, 1997, as amended entitled "Adopting and approving the 1997 Capital Budget and the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by moving the funding for Reconstruction of Wood Street, scheduled for 1998, to the 1997 Capital Budget.

Which was read.

Also,

Bill No. 2595:

Resolution Amending Resolution No. 165, effective April 15, 1997, entitled "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts for the construction of an addition to the Phillips Park Recreation Building and for the purchase of materials and equipment for said project; and providing for the payment of the cost thereof," by increasing the total project allocation by \$40,000.00 from \$1,100,000.00 to \$1,140,000.00.

Which was read.

Also,

Bill No. 2596:



Resolution Providing for a Contract or Contracts, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements for the Reconstruction of Wood Street from Liberty Avenue to Fourth Avenue including Construction Inspection Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof, not to exceed \$6,500,000.00 chargeable to and payable from Account 600000, Fund 5100, Org. 301000, Sub-Class PGHPR, Project/Grant 2231004, Budget Year 1997.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, bills are now ready for final action. If you are in favor of the bills, vote aye when your names are called, if opposed vote noe.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES**    Nine        **NOES**    None

The bills having received the legally required number of votes have been approved finally.

**The Chair:**

That concludes our Reports of Committees. Under Motion and Resolution, any matter to be brought before the body?

**MOTIONS AND RESOLUTIONS**

**Mr. Cohen:**

I just talked to Mr. Onorato about the notice that we got with respect to new zoning code, is the plan to have all discussion and amendments to the new zoning code on Monday and preliminary vote on that day?

**Mr. Onorato:**

That was about -- if you remember when this was up on the Wednesday meeting there was lot of discussion about the realtors had questions, community groups had questions, so what we tried to do is have a Committee Meeting that would deal with that bill only. So the plan was, after talking with Councilmen Udin and President Ferlo, is to recommit tomorrow's meeting to Monday so that we would have a Committee Meeting just on that bill.

We would invite the realtors and the community groups and let them participate some way with comments, we can have a full discussion on it and then take a preliminary vote or hold it till Wednesday's meeting, preliminary vote, and the following Tuesday have a final vote. That was the time line.

**Mr. Cohen:**

Is there still an opportunity to suggest names particularly from my perspective community?

**Mr. Onorato:**

Absolutely.

**Mr. Cohen:**

To invite them on Monday.

**Mr. Onorato:**

Maybe what we can do is submit names to the Clerk and have the Clerk call and invite them. As long as the Chairman of the meeting doesn't mind, I don't mind, whoever wants to have comments that's fine with me.

**The Chair:**

Can we make sure the Clerk, especially those groups you spoke at the Public Hearing, some representing community groups, realtors, other interested parties had specific comments regarding zoning code, maybe we could notify them.

**Mr. Cohen:**

Also our own consultants.

**The Chair:**

Mr. Robison and Mr. Sittig. We can thrash it out and see if we can get consensus, we will act. If not, we are going to have to wait until next year.

**Mr. Onorato:**

Procedurally, I would like to vote before the end of the year. Sooner or later we have to do our job. This thing has been in the works for two years. There has been a lot of money spent on it. More than I

realized. I am sorry that much was spent on it. I think that's ridiculous, but that's another point. I think we got a fiduciary obligation to sometime vote. It might never be what we all like, but I am willing to vote up or down. At least call the question. That is what I hope we do by the end of the year.

**The Chair:**

I asked by the way Mr. Salac to tell us what was expended. I haven't gotten a response yet.

**Mr. O'Connor:**

We got our two consultants, and I haven't heard a word either way from them.

**The Chair:**

We will have them at the table.

**Mr. Cohen:**

Actually, Mr. Robison submitted preliminary report about a week ago.

**Mr. O'Connor:**

I don't know if it should be a private briefing or public briefing, at least let us know what is on the table.

**Mr. Hertzberg:**

I haven't seen a report of Mr. Sittig yet. If I had to make a vote today, there is no way on earth I could vote. I have no idea if I will get any more comfortable as time goes on with this. I do know we have a lot of important issues in front of us, the Group Home Legislation, Mr. Ricciardi's Living Wage Legislation, not to mention the various different issues relative to the

budget. If the worst happens, and this has to be brought up again next year, if it is such a well done piece of legislation, then it should sail right back to us in 30 days next year.

**The Chair:**

It can definitely be immediately re-introduced. Lets see what the Standing Committee brings us and then cross that bridge when we come to it.

Any other discussion?

**Mr. Onorato:**

I get the impression from some of my colleagues' comments that this thing is being rushed. Whatever the rule comes, that is fine, but all I can tell you is no one is asking for a vote today, no one is asking for a vote tomorrow. I tried to have this up on the agenda before the summer break and some of my colleagues asked me not to do it. I went through Public Hearings for two summers in a row, which were open to all of us. If people didn't participate, fine, but to call this a rush in any sense of the word, I don't know where it is coming from. I am willing to meet on Saturdays and Sundays to answer any question just to do the proper thing and that is to call the vote. You may want to vote noe on it. I don't even know how I am voting yet. I think it is our obligation to call the question sooner or later at a legislative session which is a two-year period. This has taken the entire two years.

**The Chair:**

Other discussion? Any other point under motions and resolutions?

**Mr. Ricciardi:**

Thank you colleagues. I believe we have yet received a response from administration regarding our request. If they are under the same belief that we are or at least I am, that cooperation agreements need to be forwarded to this body regarding any type of, for example, the print shop, the 911 Center and our shop sign, before they work with the Allegheny County, I had stated that if they were under the understanding that there was a cooperation agreement was needed, I would mandate that by legislation.

We have not received a response. If we don't receive it this week, next week I will definitely be submitting legislation. There is no way that I am going to allow our City workers to work with Allegheny County workers without knowing what the ground rules are. As I stated, I want to know where they are going to be located, what the supervision is, I want to make sure that there is protection, not only for City workers, but county workers. I want to make sure that this is not some sort of plan to layoff county workers and just send us a check while our people do their work. Once again, Linda, if you could forward a second response, if they believe that there is an understanding that cooperation agreements do come before this Council before our workers with others. I will say okay but we have not received that response. Do you remember that request, Mr. President?

**The Chair:**

Maybe I do not understand. There is no way the administration can interact with the county officially on behalf of the municipality whether it be transferring property, staffing, whatever the relationship is, it must be by an act of this Council through a resolution. There is no issue there.

**Mr. Ricciardi:**

I agree with all of that, they should have just responded to our letter or at least my request in saying yes there will be cooperation agreements.

**The Chair:**

I believe there is one that has been introduced today regarding URA.

**Mr. Ricciardi:**

That is for the URA. I am talking about cooperation agreements for our Print Shop, our Sign Shop, all in Public Works, possibly our 911 Center. I agree with everything you are saying. I am being very careful though, that is what I am saying. I want to make sure that the administration is going to forward cooperation agreements for Public Works when it comes to those particular workers. If they do not, I will be submitting legislation on Tuesday mandating it.

**The Chair:**

Let's reiterate the request to the administration. I will reiterate the fact that the administration cannot legally interact with the County in any transfer of staff, creating a new governmental unit, anything to do with property, and whatever. It maybe something that we want to do, but it must be by official resolution of this Council. If there is some other resolution they are utilizing, they need to respond to that. There were some nebulous resolutions involving cooperation agreements with the County in the previous term of the administration, or earlier on when the Mayor was --

**Mr. Ricciardi:**

Right. I may have a to re-appeal them.

**The Chair:**

So we should clarify. If they are using those as boilerplate resolutions, really those had more to do with procurement issues. It was never really got too far so we should clarify, the administration needs to clarify to us by what rhyme or reason are they proceeding.

Any other discussion? Any other matter?

**Mr. O'Connor:**

I want to register an aye vote, I was out of the room when public safety--

**The Chair:**

Please let the record reflect, Councilman O'Connor's yes vote.

**THE CHAIR** moved to approve the minutes.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

This legislative session now stands adjourned.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Tuesday, December 9, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo

(Pres't)

#### ABSENT:

Mr. O'Connor

#### The Chair:

Good morning everyone. We would like to say hello to all the students we see out in the audience this morning. I know they will be up here shortly with Councilman Cohen.

We would also like to say hello and welcome our new School Board Superintendent Dr. Dale Fredrick. I believe

this maybe his first visit here officially to City Council Chambers. We applaud you and wish you well on your new assignment. We would also like to respect and honor Alex Matthews who has been a board member active for a number of years and is now the new President of the Pittsburgh School Board. We would like to welcome those gentlemen especially.

At this time would you all please rise for the pledge of allegiance and please remain standing for a moment of silent prayer, so we may have peace throughout the world.

We have two students here this morning who are no strangers to City Council Chambers. They have been here many times. They are the daughter and son, Katie Cusick and John Cusick. They both attend Highcliff Elementary School. They are obviously in Councilman Cusick's district, because they're Mr. Cusick kids. Katie and John are going to lead us in the pledge of allegiance.

#### Katie and John Cusick:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible with liberty and justice for all.

#### The Chair:

Thank you, Katie and John. Thank you for wearing your holiday Christmas outfits. Our Clerk has presented you with a

flag of our Nation and the flag of our City.  
Thank you very much.

Councilman O'Connor will not be here today. He has lost a loved one, his uncle, and our hearts and prayers go out to the Buddy O'Connor family and to our colleague, Councilman O'Connor.

### PRESENTATIONS

**Mr. Cohen:**

Would Director Matthews and Dr. Frederick and Cynthia Griffin and everybody else involved in this wonderful program please come up, the students from the Pittsburgh Schools.

Members of Council, members of the audience, you all know the phrase about beating swords into plush hairs, well this is taking violent toys and turning them into artistic murals. It is a wonderful program, a program sponsored by High Mark Blue Cross/Blue Shield and also the Pittsburgh Public Schools. We are very lucky to have many representatives here from both of those organizations, and most important the school children representatives from 31 public schools in the City of Pittsburgh. So let me read this proclamation.

**MR. COHEN PRESENTED:**

No. 2641 WHEREAS, the prevalence of violence in our society may be attributed to the fact that children often imitate what they see and this time of year, they are especially inundated with violent messages from the media, the entertainment world and the toy industry; and

WHEREAS, the Health Education Center of Highmark Blue Cross Blue Shield,

the Neighborhood Peacemakers, and the Pittsburgh Public Schools have entered into a joint project designed to address the problem of toys that promote violence; and

WHEREAS, the Neighborhood Peacemakers, a group of Pittsburgh young people especially selected by the Health Education Center of Highmark Blue Cross Blue Shield to participate in leadership and outreach services, will work with other children from City neighborhoods to transform a collection of violent toys into dramatic peace murals; and

WHEREAS, these peace murals will travel throughout the Pittsburgh Public Schools and the City of Pittsburgh as a teaching tool to stop the marketing of violence to children and to promote peaceful play; and

WHEREAS, the highlight of this collaborative project will be a Violent Toy Trade-In on Saturday, December 13 at Fifth Avenue Place from 12 noon until 4:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Health Education Center of Highmark Blue Cross and Blue Shield and the Neighborhood Peacemakers for their action against violence; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, December 13, 1997 to be Violent Toy Trade-In Day in the City of Pittsburgh.

**MS. MCDONALD** moved to adopt the motion.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Mr. Cohen:**

I just want to congratulate you on this wonderful project. We have many people here who were involved in this project including, as I said the representatives of the Pittsburgh Public Schools and from Highmark Blue Cross/Blue Shield, we have the artist here. Let me read the names of the people that are here and then we will start with the new School Board President Alex Matthews and of course Dr. Frederick the Superintendent of Schools and then we also have one for Cynthia Griffin from Highmark Blue Shield.

We also have with us this morning, Dr. Brian White, who is the Elementary School Supervising Principal, John Burwell, of the Health Education Center, Larry Coleman of Health Education Center, Debbie Florence of Health Education Center, Dominic Pagnello, who is the artist, Darryl Oakes and Warner Johnson.

We also have a number of school children here today. Let me give it a try, Terra Campbell, Najai Fortson, Teresa Griffin, Sherrell Underwood, Na'Kiea Spratley, Tryce Stafford, Michelle Harris, Donnice Green, Samantha Mitchell, Amara Ramsey, Raynell McCarthy, and Brittany Palmer. We also have the spokesperson of the school children, we will get to you in a moment. But before I massacre any more names, let me give this to Alex Matthews, the new President of the School Board and also Superintendent Dr. Dale Fredrick. Congratulations.

**Mr. Matthews:**

On behalf of the Pittsburgh Public Schools, let me say thank you very much to

City Council and particularly to Councilman Dan Cohen for the proclamation.

I do want to say that this is just one of the many partnerships that when we work together the collaborative actions for many can result into a rewarding success that will be held on December 13th. I want to thank the children for being involved, because without them there wouldn't be a program. I cannot leave out Highmark Blue Cross/Blue Shield, without their efforts this program would not be possible.

On behalf of the many, I want to say thank you very much for this honor.

**Mr. Cohen:**

Cynthia Griffin from Highmark Blue Cross/Blue Shield who really kind of organized this whole event. Cynthia, please accept this proclamation on behalf of City Council. Congratulations.

**Ms. Griffin:**

I would like to say good morning to everyone and certainly on behalf of Highmark Blue Cross/Blue Shield Health Education Center we thank you again for allowing us to come into these chambers to give recognition to our children. You know with the Health Education Center at Highmark has had a history of about twenty years of taking a strong stance in Community Service. So it's our belief today if we are able to teach our children to first love themselves, they will therefore learn to love life even more.

It's interesting that the same day this City is going to have a Goods For Gun Program going on and so we find this quite timely because if we are good at our

mission, these children perhaps one of these days will not have need to turn in their guns. Thank you so much.

**Mr. Cohen:**

Thank you very much. Now we have a spokes person from the school children, Donnai Williams please come up, Donnai.

**Ms. Williams:**

The peacemakers would like to thank you for this recognition. We would like to invite you and your family and friends to the final toy trade-in and we would like to see you there. Hope you will be there. Thank you.

**Mr. Cohen:**

Anyone else like to say a few words? The artist -- are you going to speak with your artistry? Let me also just acknowledge Valerie McDonald who of course is the former President of the School Board and worked very hard on issues against violence. Why don't you come up with us on the photograph?

**Mr. Udin:**

I would like to congratulate especially the work of the Neighborhood Peacemakers. We celebrated the drop in crime statistics and unfortunately many of the organizations that are out there every day in the neighborhoods working with our youth to decrease crime and decrease violence, don't get as much credit as they should for the drop in crime statistics. But I am aware of the fact that everywhere I go in my district and other districts, I see Cynthia Griffin and the Neighborhood Peacemakers doing their work and I see the good results

of their work. I want to just thank you for the work that you do in the neighborhood peacemakers and to congratulate Alex Matthews on his election to the Presidency of School Board and welcome to Dr. Dale Fredrick.

**Ms. McDonald:**

This has nothing to do with the resolution but I feel compelled. If I was sitting there, I would have said that. I just want to say that I think it's quite unfortunate that we had a news broadcast, I was up late last night watching reruns of the news, but to hear the only highlights of a School Board Hearing, the only highlights were testimony of rats and what have you. Do you want rats running through the school and roaches? I think that's terribly unfortunate. I had three kids; I have two now in Pittsburgh Public Schools, I have not seen roaches or rats.

As far as cleanliness I know it is a very touchy issue with custodians. I am not even going to dab into it because that's your problem. We got our own problems. I will let you handle that. I think that it was unfortunate. It really shed a very poor light on the schools. I really wish residents and parents; etc. would not feed into the paranoia that exists to make their point. It really does hurt the very schools that they want to support.

Again, I wish you well and I congratulate you on this resolution.

**Mr. Udin:**

I would like to ask Michelle Atkins if she would join me up front here? This is a very special resolution, colleagues, because the work of the Make A Wish Foundation is very special work. They work with children



who have life threatening diseases and conditions and they help to make their last dreams and wishes come true. So it is a very emotional and difficult task but one which this foundation has taken on. It's growing steadily and also want to ask Michelle when she comes up to do a little recruiting for the telethon that is coming up soon.

**MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:**

No. 2642 Whereas, the Make A Wish Foundation is an international non profit organization that fulfills special wishes of children who have been diagnosed with life threatening illnesses; and

Whereas, Make A Wish was founded in 1980 in Phoenix, Arizona when a group of people helped to make a little boy achieve his wish - to be a State Trooper for a day. Currently there are more than 80 chapters in the United States and over 15 international affiliates; and

Whereas, in 1983 the Make A Wish Foundation of Western Pennsylvania was founded in Pittsburgh with a mission to fulfill the wish of every child in western Pennsylvania diagnosed with a life threatening illness. The Make A Wish Foundation of Western Pennsylvania now includes 33 counties, the entire western half of Pennsylvania. The chapter is headquartered in Pittsburgh and has three field offices in Erie, Altoona and Punxsutawney; and

Whereas, the Western PA chapter has grown steadily with the help of more than 600 volunteers. Thirteen wishes were fulfilled in it's inaugural year, 1983. So far, in 1997 the Foundation has granted 288

wishes and to date more than 2,563 wishes have been fulfilled; and

Whereas, The Westin William Penn, WISH 99.7 FM, CoGo's, USX Plaza, One Oxford Center, Monroeville Mall, South Hills Village and the Make A Wish Foundation of Western Pennsylvania will sponsor the 9<sup>th</sup> annual Light Up A Child's Life fundraising campaign from December 10 to December 24, which is expected to raise more than 1.2 million dollars this year through daily live broadcasts. And each time the cost of a wish is raised, a light will be lit on the Make A Wish star boards.

Now therefore be it resolved, that the council of the City of Pittsburgh recognizes the Make A Wish Foundation of Western Pennsylvania for their outstanding accomplishments and invaluable contributions to the lives of children, their families and their loved ones.

**MR. RICCIARDI** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**Ms. Atkins:**

Thank you very much for honoring the children we all serve. Make A Wish was started in Pittsburgh in 1983. We have a very simple mission. We take children who believe there is no more light at the end of the tunnel and we help them understand that there is. When we do the job that we do well we can see some pretty amazing miracles.

My good friend Ebony McKinney asked me to tell you a story and so I am

going to do that. In 1985 we met a little girl, she was ten years old and she had been diagnosed with an illness called lupus. She was taking a drug that left her fairly puffy. She was not able to go to school, which is true of many of the children we serve. So she was pretty well filled with stories of doom and gloom. But there was at the time a song that had come out called The Greatest Love Of All written by Whitney Houston. This young girl said to us if I could meet Whitney Houston, I might have the belief that life would be okay again because Whitney is all the things I want to be. She's popular and she is tall and she is beautiful.

So we sent Ebony McKinney to meet Whitney Houston and it was a wonderful meeting. Whitney stayed in touch with her for awhile. When she came back Ebony decided that maybe it would be okay to find the courage to keep going. So she went onto become Citizen Of The Year and she went on to become a volunteer for Make A Wish. She went on to intern in our office. She went on to college and to have the real good sense to work for Mr. Udin. So we know that Make A Wish can make a huge difference in the life of one child, in fact, in the lives of more than 2600 children. Because of this City, we are blessed to be able to help so many children, more than 80% of the 2600 children we served are still alive. That is because citizens of Pittsburgh rally together to help Children's Hospital, to help the Make A Wish Foundation and help organizations find ways to teach children that all things are possible and that hope, magic, and miracles can happen if you just believe.

Thank you very much for this recognition and for all that you are doing for our kids.

**Ms. McKinney:**

I would just like to thank Michelle for all the good work that Make A Wish does. It really did make a difference in my life and it helped me to believe that a few people or even one person can make such a difference and that's the reason I am working here at Council. So she has made a great difference in my life and in many children's lives. There are a lot of kids like me out there who hadn't believed and who now can push through and get through chemotherapy, and get through all the nasty things that happen when you have a life threatening illness. I just would like to thank Council and my boss for presenting this proclamation to Make A Wish.

**MR. UDIN AND MS. MCDONALD PRESENTS:**

No. 2643 WHEREAS, During the last several months The Carnegie Science Center 's Miniature Railroad & Village exhibition has been working closely with students from the Robert L. Vann Elementary School on a special project ; and

WHEREAS, This year the Miniature Railroad & Village exhibition is highlighting Robert L. Vann, founder of the Pittsburgh Courier Newspaper. Along with building a scale model replica of the original Courier building formerly at 2628 Center Avenue, the exhibition directly involved the Vann Elementary students in their research; and

WHEREAS, The students at Vann Elementary were assigned to research the story of Robert L. Vann as well as the oral history available in their own families. The school then selected fifty students who excelled at their given assignment and their work will be displayed at the Carnegie Science Center; and

WHEREAS, The students of the Robert L. Vann school have successfully completed their work as part of the Miniature Railroad & Village's special program to highlight the life of Robert L. Vann; and

WHEREAS, The students from Vann Elementary, their parents and faculty have been invited to a special awards presentation sponsored by the New Pittsburgh Courier on the evening of December 4 at the Carnegie Science Center.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Carnegie Science Center, Robert L. Vann Elementary School and the New Pittsburgh Courier, and recognizes the program's importance in honoring the African American heritage of the city, enhancing the Miniature Railroad exhibit and providing the students with a unique and rewarding experience.

#### THE CHAIR PRESENTS:

No. 2644 Whereas, April 9, 1998 will mark the 100<sup>th</sup> Birthday of Paul Robeson, great actor, athlete, scholar, author, humanitarian, and fighter for civil rights of people throughout the world; and

Whereas, Paul Robeson, son of a runaway slave rose to prominence when segregation was legal in the United States and African-Americans were being lynched by white mobs;

Whereas, Paul Robeson's life of achievement in so many spheres made him truly one of this century's Renaissance figures and a role model for youth, and included an academic scholarship to Rutgers, football All-American, class

valedictorian, Phi Beta Kappa, four varsity letters, lawyer, author, and world renowned theatrical performer and singer who was fluent in several languages and sang songs in over 50 languages all around the globe;

Whereas, as Paul Robeson's political consciousness grew with the rise of fascism in Europe, he donated proceeds from his stage performances to Jewish refugees fleeing Hitler in 1933 and he traveled to Spain the next year to support the anti-fascist forces supporting the Abraham Lincoln Brigade;

Whereas, in our country Paul Robeson spoke out strongly for labor and civil rights and was a proud honorary member of many unions including Actor's Equity, the Marine Cooks and Stewards, the National Maritime Union, the Transport Worker's Union, and AFSCME, and;

Whereas, during the height of the McCarthy hysteria Paul Robeson had his passport revoked for eight years until it was restored by the U. S. Supreme Court, because of his outspoken opposition to racism and colonialism and for fighting for the rights of working people, and;

Whereas, the persecution which Paul Robeson suffered during the McCarthy Era represents the types of actions the Constitution and the Bill of Rights were designed to prevent; Paul Robeson was denied this protection and sacrificed his fame and fortune and endured great personal hardship for his steadfast principles;

Now, therefore be it resolved that the Council of the City of Pittsburgh hereby joins with thousands of other individuals and groups, including the Congressional Black Caucus, in petitioning the U.S. Postal

Service Citizen's Stamp Advisory Committee to designate a Centennial Stamp in 1998 in honor of the life time achievements of Paul Robeson; and

Be it further resolved, that the Council of the City of Pittsburgh, hereby supports the organizing efforts of the Paul Robeson Centennial Celebration and encourages educational and cultural activities furthering the recognition of the Paul Robeson Centennial in 1998.

**MR. UDIN** moved to adopt the resolutions.

**THE CHAIR** seconded the motion.

Which motion prevailed.

**The Chair:**

Moving to presentation of papers.

**MR. COHEN PRESENTED:**

No. 2645 Resolution authorizing the transfer of the aggregate amount of Eight Thousand Dollars (\$8,000.00) from various EMS accounts to EMS's Premium Pay Account.

No. 2646 Resolution authorizing the transfer of \$250,000 from the EMS Reimbursed Events Trust fund (EMSRETF) to the EMS Trust Fund (EMSTF).

No. 2647 Resolution authorizing the transfer of the aggregate amount of \$10,800.00 from various EMS accounts to Code Account 1420, Salaries and Wages.

No. 2648 Resolution authorizing the transfer of \$5,000.00 from EMS's Miscellaneous Service Account to Supply

Account for the purchase of medical supplies.

Which were read and referred to the Committee on Finance and Budget.

**MR. HERTZBERG** moved to suspend Rule 8 on these bills by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**MS. MCDONALD PRESENTED:**

No. 2649 Resolution Authorizing the City of Pittsburgh to submit grant applications to, and execute relevant agreements with, the Pennsylvania Department of Community and Economic Development under the provisions of the Community Revitalization Program. The proposed application will request a total of \$280,000.

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. UDIN PRESENTED:**

No. 2650 Ordinance Repealing Ordinance No. 29, effective November 14, 1995, entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 604 - Parental Responsibility - Curfew for persons under seventeen years of age."  
(SPONSORED BY MR. UDIN)

**MR. UDIN** moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

Also,

No. 2651 Resolution Providing for the issuance of a \$3,571.95 warrant in favor of Bell Atlantic Network Services, Inc., in settlement of a claim in which a City Environmental Services vehicle hit and damaged a telephone cable on March 26, 1997, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

No. 2652 Resolution Providing for an Agreement or Agreements with a Court Reporter or Court Reporters in connection with the taking of testimony at Civil Service Commission and providing for the payment and the cost thereof, not exceed \$2,000 (Two Thousand Dollars) chargeable to and payable from Code Account No. 1100 (110007), Miscellaneous Services (Miscellaneous Professional Services), Account #526150, Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission

No. 2653 Resolution Providing for an Agreement or Agreements with a Consultant or Consultants for the design and implementation of City-Wide training programs for the City employees and providing for the payment of the cost thereof. The total Amount payable under

said Agreement or Agreements shall not exceed \$30,000 (Thirty Thousand Dollars) chargeable to and payable from Code Account No 1100 (110007) Miscellaneous Services, Account 526125, Fund 1000, Sub Code 150 and Organization Code 109320.

No. 2654 Resolution authorizing the Mayor and the Director of Finance to execute a lease with The Urban Gardner, Inc. for Three Taxing Bodies owned property.

No. 2655 Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 28<sup>th</sup> Ward, known as 1252 Idlewood Road, to Idlewood Road Property Company, a Pennsylvania limited partnership.

No. 2656 Resolution providing for the Conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", Effective December 11, 1984.

No. 2657 Resolution Providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

**The Chair:**

Thank you, that includes our Presentation of Papers.

#### **UNFINISHED BUSINESS**

We have Bill 2636, the appointment of Mr. Leeper to the Pittsburgh Water and Sewage Authority Board.

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**THE CHAIR PRESENTS:**

Bill No. 2636:

Approving the appointment of Steve Leeper, 921 Wellesley Road, Pittsburgh, PA 15206, as a member of the Pittsburgh Water and Sewer Authority, term to expire November 30, 2002.

**The Chair:**

You have heard the reading of the appointment, role call vote or any discussion?

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	

**(MR. FERLO VOTED NOE)**

The bill having received the legally required number of votes is approved, and the appointment is made.

**REPORTS OF COMMITTEES****MR. UDIN PRESENTED:**

Bill No. 2658:

Report of Committee on Finance and Budget for December 3, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2617:

Resolution Authorizing the issuance of a warrant in favor of the Richard S. Caliguiri Amyloidosis Foundation in the amount of Eight Thousand Eight Hundred Forty Three Dollars (\$8,843.00) in connection with the 1997 Great Race in the Department of Parks and Recreation, for the benefit of the City of Pittsburgh without previous authority of law; and providing for the payment thereof, chargeable to and payable from Index 254359, Account 525500. Fund 7314, Organization 523000, Subclass 600, Year 1997, in the Department of Parks and Recreation.

Which was read.

Also,

Bill No. 2618:

Resolution Authorizing the issuance of a warrant in favor of Lewis Brothers & Sons, Inc. in an amount not to exceed Ten Thousand Three Hundred Thirty Five Dollars (\$10,335.00) in connection with the City of Pittsburgh's Senior Interest Program; without previous authority of law; and providing for the payment thereof, chargeable to and payable from Index 254250, Account 542700, Fund 2850, Organization 530000, Subclass 600, Budget Year 1997, in the Department of Parks and Recreation.

Which was read.

Also,

Bill No. 2623:

Resolution providing for an agreement with Charles J. Kolling,

Legislative Consultant for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1998, at an aggregate cost not to exceed \$30,000.00.

Which was read.

Also,

Bill No. 2629:

Resolution providing for the transfer of \$25,567.75 from the Special Parks Programs Trust Fund, Index 254359, Account 581120, Fund 7314, Subclass 600, organization 523000,k Budget Yr. 1997, to the Swimming Pools Maintenance Trust Fund, Index 254334, Account 491130, Fund 2860, Subclass 600, Organization 522000, Budget Yr. 1997 in the Department of Parks and Recreation.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, role call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

All the bills having received the legally required number of votes, have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2659:

Report of Committee on Planning, Zoning and Land Use for December 3, 1997, transmitting an ordinance and a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2621:

Resolution providing for the implementation of a Residential Parking Permit Program (RPPP) Area "T" in the Garfield community (Council District #7) pursuant to Pittsburgh Code Chapter 549.

Which was read.

Also,

Bill No. 2371:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by amending Article I, Administration, Chapter 903, Definitions, to amend the definition of "Family" and to make a definition for "Community Home; amending Article I, Administration, Chapter 909, Board of Adjustment to add "Family Community Home" as a special use exception; and amending Article III, Districts and District Regulations, Chapters 927, 929, 931, 933, 934, 937, 941, 971 and 975 to add "Family Community Home" as permitted uses in certain residential district.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, bills are now ready for final action. All in favor of the passage of the bills, vote aye when your names are called, if opposed vote noe. Clerk, please call the role.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Udin	Mr. Ferlo
	(Pres't)

**(MR. ONORATO AND MR. RICCIARDI VOTED NOE TO BILL NO. 2371)**

**Mr. Cohen:**

I would like to have all of our comments brought over.

**(SEE ADDENDUM FOR COMMENTS)**

All the bills having received the legally required number of votes have been approved finally.

**MS. McDONALD PRESENTED:**

Bill No 2660:

Report of Committee on Housing, Economic, Development, and Promotion for December 3, 1997, transmitting a resolution to Council.

Which was read, received, and filed.

Bill No. 2633:

Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and various County authorities providing for the coordination of residential and economic development activities.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Hertzberg:**

I would like to have my comments brought forward, please.

**(SEE ADDENDUM FOR COMMENTS)**

**Ms. McDonald:**

Same.

**(SEE ADDENDUM FOR COMMENTS)**

**Mr. Ricciardi:**

Same.

**(SEE ADDENDUM FOR COMMENTS)**

**Mr. Cohen:**

Same.

**(SEE ADDENDUM FOR COMMENTS)**

**Mr. Ricciardi:**

I am going to be very brief. I am



cautiously optimistic in approving this bill today that this will benefit Allegheny County and the City of Pittsburgh and especially the region in terms of number one cooperation, and in terms of working together, pulling resources, resources both in human resources and intellect but possibly even resources and dollars. I say I am cautiously optimistic, as I stated before in all cooperation agreements, I want to make sure that Allegheny County in no way uses our cooperation to eliminate bodies, to layoff on their end. I stated that with the Sign Shop with the Printing Shop, with the relocation of 911, and with this all.

The reason I am prepared to move today on this is because of one person to be perfectly frank with this body, and that's Director Birru who I have trust and confidence in. If the Director was not part of this mix, I could tell you I would not approve this. But since he is part of the mix, I am willing to approve it. I think there is a safety valve, and that safety valve is that either group, either entity can get out of the agreement just by written notification. So with Director Birru being part of the mix and with that safety valve and with Director Birru's commitment to me that in no way this is used as a front to get rid of bodies on Allegheny County government side, I am prepared to vote for this today.

**Mr. Udin:**

Yes when the bill came up in the Standing Committee, I had raised some reservations about not having seen the cooperation agreement, but I discovered later that it was my fault that I had not received it. It was in my in-box. I just hadn't gotten to it and read it. Since then, I have read it and I am convinced that it is a good deal for Pittsburgh. There is no risk.

There is a lot to be gained. I think it sends a very important message of cooperation to the County and to the region. I think it positions our Director of the URA to be much more effective for both the City and the County. I was also concerned as Councilman Ricciardi was about whether or not it would displace workers. It is clear to me now that it will not. I think it is important that we send a strong message of cooperation and support behind Dr. Birru. I will be voting in the affirmative.

**Ms. McDonald:**

I want to thank colleagues for the opportunity to start an initiative. I agree with Councilman Ricciardi it's with indeed a bit of caution. Things haven't been as cozy in the past. There should be some caution, some optimistic type of caution involved with this cooperation agreement. I am very pleased that most colleagues will give it a chance because we really won't know in that there is an out. It is just by signatures of the Commissioners and the Mayor and Council that we can get out of this cooperation agreement.

I agree that the key here is Dr. Mulugetta Birru. It is very historic not only this cooperation agreement, but for the County to be another Super Director, he is the second African American Super Director and indeed one that carries a lot of weight with the economics of this region. What's funny, as I thought about it last week at the table, I don't think anyone looks at this as an African American male, we just look Mulugetta Birru, or Mulu, as we all call him. I think that speaks for itself, its just Mulu, forget what race, what gender, its Mulu. So I appreciate the confidence. I have full confidence in Mulu doing the job.

**Mr. Cohen:**

After reading the cooperation agreements and certainly knowing the talents of Dr. Birru, I support this legislation. I think it is an important step towards City/County cooperation and also towards the regionalism that we often talk about but very rarely have an opportunity to vote for. I support this project.

**The Chair:**

Any other discussion? Hearing none, role call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	

**(MR. FERLO VOTED NOE)**

The bill having received the legally required number of votes, has been approved finally.

**MR. HERTZBERG PRESENTED:**

Bill No. 2661:

Report of Committee on Lands, Buildings, and Procurement for December 3, 1997, transmitting a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2619:

Resolution providing for the leasing of a space located at 841 California Avenue, Pittsburgh, PA 15212, in the 25<sup>th</sup> Ward, from the National Association of Letter Carriers, owner, for the purpose of establishing a Community Oriented Police mini station, effective January 1, 1998, and renewable annually, at a cost to the City of \$50 per month for utilities, chargeable to and payable from Code Account 25, Index Code 002501, Utilities, Fund 1000, ORG 999200, SubClass 160, Yr. 1998, Acct. 568700. Said lease shall be in a form approved by the City Solicitor and shall contain such terms and conditions for the protection of the City as said Solicitor may require.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

Hearing none, role call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES      Eight      NOES      None**

**MR. COHEN PRESENTED:**

Bill No. 2662:

Report of Committee on Public Safety Services for December 3, 1997, transmitting an ordinance and a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2557:

Resolution providing for an agreement with a consultant for professional services for the Mayor's Youth Initiative for Serious Offenders, at a cost not to exceed \$60,000, chargeable to and payable from the YCPC/Mayor's youth Initiative Trust Fund.

Which was read.

Also,

Bill No. 2620:

An Ordinance Amending Title Six - Conduct; Article I: Regulated Rights and Actions; Chapter 604 Curfew, by deleting § 604.05(2) of the Enforcement Section and 604.06 Curfew Center. The Effective date of the legislation shall be January 1, 1998. (SPONSORED BY MR. O'CONNOR)

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Cohen:**

Doug Shields from Councilman O'Connor's office asked that his bill be recommitted. He apparently he has information he wants to share with us tomorrow and given that Councilman O'Connor is not here today because of a funeral, I would ask that we give him that

respect.

**MR. UDIN** seconded the motion.

Which motion prevailed.

The bill is recommitted.

**Mr. Cusick:**

I want to briefly comment. I also was against recommitment of this, but I am going to vote for recommitting this out of respect to Mr. O'Connor being unfortunately called away today. I do want to again allow the public to know that I am adamantly in support of keeping the Curfew Center and unfortunately I was called away at the Steel Worker Meeting for the LTV last week, I had gone to that and was not part of the discussion. I want to put that on the record.

**The Chair:**

Other discussion on this bill?

**The Chair:**

Bill is recommitted. Any other discussion on Bill 2557?

**Mr. Cohen:**

Just to refresh Council's recollection, that was the bill for the youth initiative, Maureen Fruiman came to the table and we had some discussion. I support it.

**The Chair:**

Any other discussion? Roll call vote on Bill 2557. The other bill was recommitted.

The ayes and noes were taken

agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES** Eight      **NOES** None

The bill having received the legally required number of votes, is approved finally.

**MOTIONS AND RESOLUTIONS**

**THE CHAIR PRESENTS:**

Bill No. 2663:

Approving the appointment of Patricia Bagley, 156 Hazlett Street, Pittsburgh, PA 15214, as a member of the Housing Authority of the City of Pittsburgh, term to expire December 31, 1998.

**The Chair:**

I think many of us know this hardworking individual. I am sure she will be a great addition to the Housing Authority Board, but the administration keeps sending over appointments not acknowledging the fact that Council has to approve. So in all do respect to the administration, this is the second appointment they sent over where they bypassed the procedure. So it is a pleasure of the body, do we want to interview the individual? If so, we can have Councilman Udin set it up.

**MR. RICCIARDI** moved to interview appointee.

**MR. UDIN** seconded the motion.

Which motion prevailed.

**The Chair:**

Again, I would ask the Clerk to call the Law Department and tell the Mayor's office that when they make appointments, please check with the appropriate government rule regarding Council's appointment confirmation process.

That concludes our Reports of Committees and that resolves the issue of the appointment. Hopefully we will try to bring her in tomorrow if it is appropriate and possible. Any other matters to be brought under motions and resolutions?

I want to reiterate to Councilman Udin, we seem to have a problem specifically with Director Miskovich regarding information on the Cable Bureau. I have repeatedly asked for expenditures from that illustrious trust fund, I have gotten no information supplied to Mr. Salac, we are trying to resolve a substantive issue regarding the cable casting of future meetings, not to violate Council's own ordinances. We are trying to define better what the appropriate allocation needs to be in the budget in the year 1998 especially since we are not even talking tax money, we are talking about cable franchise money. We need cooperation from that individual. If it is not forthcoming, then I am going to file a court action to request the information.

**Mr. Udin:**

I think that what has happened in the last few days is Ms. Miskovich has had some personal problems that has called her away.

**The Chair:**

We have asked for this information for the last three weeks.

**Mr. Udin:**

I am confident that by the end of today, we should have appropriate responses from the Director.

**Mr. Hertzberg:**

I also comment within the last hour, I think something has materialized. It is real late breaking, but I think we have gotten that information that is needed.

**The Chair:**

We are only asking for public information and information that this Council needs to make our appropriate amounts next week.

**Mr. Ricciardi:**

Also as a rider to that request, I requested to know about all expenditures, last minute buying in the City of Pittsburgh. That request if Linda can forward that to Director Miskovich also was for the franchise fee.

I find it very disturbing if it is true that we just purchased three cars from that franchise fees and they are not using the City pull cars. So I would like to know all dollars that were spent this year from that franchise fees on all commodities. I would hope my colleagues would support me on that.

**The Chair:**

We did request that information.

**Mr. Ricciardi:**

We requested it, but I am still anxiously waiting for it.

**The Chair:**

Other discussion?

**Mr. Ricciardi:**

Colleague's, I would like to take this opportunity to thank all of you for your fine work you put into the Living Wage Bill. I think there is a strong foundation for dialogue and discussion next year. I also publicly would like to thank the Living Wage Coalition.

When I first presented the bill I was not aware that there was such a coalition out there that was working on a bill for nearly a year. They provided some very, very strong research material for me. I thank them.

Also, just let me say, Colleagues, that during the hearing the Living Wage Coalition hearing I was very appreciative of the support that I received, the Bill received, from the NAACP and the kind remarks they made towards me. That brought me back about a year ago thinking during the public hearing and when during a heated discussion I made some very unkind and unfounded remarks toward the organization and today I am publicly apologizing for that. Thank you.

**Mr. Udin:**

Councilman Ricciardi's remarks on Living Wage gives me an opportunity to set the record straight. Recently I was

approached by some groups who were under the misguided impression that the reason why Mr. Ricciardi had tabled his Living Wage Bill, is because I had introduced some amendments that would have gutted the bill, and nothing could be further from the truth. I have not introduced any amendments to the bill. I just want to get that record straight.

I look forward to discussing the Living Wage Bill as soon as it comes back up next year. My issue with the bill has been and is whether or not it is a living wage for residents of the City of Pittsburgh or a living wage for suburbanites to the extent that we can establish a living wage for residents of the City of Pittsburgh. I think Mr. Ricciardi knows that I am in full support. I will be supporting a Living Wage Bill given those assurances. Thank you.

**Ms. McDonald:**

Yes I just want to commend Mr. Ricciardi for bringing the whole living wage concept forward to the table and for discussions even though it was tabled. It did merit the dialogue to begin so that we can better scrutinize and even though we may not be able to mandate because we don't have legislation, it was tabled, on making sure people get reasonable wages.

It puts in the back of my mind we should start asking a lot more than what we have, not just your NBE, WBE, your qualifications, your credentials, your licenses, but we need to start asking the hard questions. I think more than anything else we need to be able to see a profile of any business or organizations to see the disparity. That is what concerns me the most is if it's a start up company and everyone is poor, everyone is struggling to make a buck, okay, fine that's a start up business. But

when the CEO of any company is making tons of money and then they have workers that are the backbone of the company making nothing that's what concerns me. That's disparity and that needs to be identified whenever legally or ethnically we can identify that. I think it puts pressure to bear on companies that someone is looking and someone is very concerned about what are you doing as far as paying your people a reasonable wage, something that they can live on. I commend you for bringing it to the attention and it certainly did generate some discussion publicly.

**Mr. Cohen:**

Thank you, Mr. President. I also want to commend Councilman Ricciardi for bringing a very important idea before this Council. We are a Council of people but we are nothing unless we are a body of ideas. Councilman Ricciardi brought an important idea before us and I think challenges many of our values and some of the views that take place in government and at the same time acknowledges the tremendous in equity, the tremendous gap between rich and poor not only in this City, but in this Country. It keeps getting wider and wider. I want to congratulate Councilman Ricciardi for bringing this before us and I look forward to it coming up again.

**The Chair:**

Any other discussion?

Any other items to be brought before the body?

We need an approval of the minutes of November 3.

**MR. UDIN** moved to approve the minutes.

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**MR. RICCIARDI** seconded the motion.

Which motion prevailed.

**The Chair:**

At this time this legislative session stands adjourned. Thank you.

2. Mr. Hertzberg, Ms. McDonald, Mr. Ricciardi, and Mr. Cohen's comments on Bill 2633 can be found in the Standing Committee minutes of December 3, 1997.

#### **ADDENDUM**

1. Council members' comments on Bill 2371 can be found in the Standing Committee minutes of December 3, 1997.

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*Municipal Record*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO .....Deputy City Clerk

Pittsburgh, PA  
Tuesday, December 16, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Ricciardi	Mr. Hertzberg
Mr. Udin	Ms. McDonald
Mr. O'Connor	Mr. Ferlo
	(Pres't)

#### ABSENT:

Mr. Cusick

#### The Chair:

Good morning everyone. We would like to especially welcome Chancellor Nordenberg from the University of Pittsburgh and his delegation from the Pitt Panther Organization. They will be up here shortly.

At this time would you all please rise for the pledge of allegiance and please

remain standing for a moment of silent prayer so we may have peace throughout the world.

We are very pleased this morning to have Brian Rodgers and Alexis Rodgers with us today. Mom and dad are here also, Helen Rodgers and Pat Rodgers. They are no strangers to City Council because Helen is in Personnel and Pat works in General Services. They are great employees and we are very proud to have their children here today. They are going to lead us in the pledge of allegiance.

#### Alexis and Brian Rodgers:

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

#### The Chair:

Thank you, Brian and Alexis. You did a great job. We want to thank you for coming down here today and we want to wish you a Merry Christmas and a happy holiday. Our Clerk would like to present you with a flag of our nation.

#### PRESENTATIONS

#### Mr. O'Connor:

Chancellor Nordenberg and Coach Harris and Athletic Director, you want to please come up? We have with us Chancellor Nordenberg from the University



of Pittsburgh, Athletic Director Steve Pederson and Coach Walt Harris. This is an exciting month in Pittsburgh and as you may or may not know, I go to almost every Pitt Football and basketball game. It has been a tough ten years I can tell you. This was a very very exciting season. We have a six and five winning record, but even the losses were great games. The Syracuse game was an outstanding game and I want to on behalf of all Council thank you Coach, especially Chancellor Nordenberg for hiring you and Steve Pederson for turning the program around.

I must say the Steelers game, the overtime Steelers game was exciting, but if you weren't in West Virginia you never saw a football game like that. My son Cory dragged me down there. I really wasn't going to go to West Virginia. I have never been there before and I didn't really want to go. But he said, Dad, we got to go. It was the most exciting day I spent.

I was telling the Coach our tickets happened to be in the West Virginia section, after about ten minutes we moved right over to the Pitt side and three over times, triple overtime game. I don't think I ever saw a game that exciting. I want to thank you for that and all you're doing for the University, actually for making college football exciting again in Pittsburgh, not just the City but the whole western Pennsylvania region.

I want to read this proclamation on behalf of all Council members.

**MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:**

No. 2664 WHEREAS, the University of Pittsburgh's football team, the PITTSBURGH PANTHERS, has a rich and

storied history, marked by great teams and individual players such as the likes of Marshall Goldberg, Mike Ditka, Hugh Green, Dan Marino, Curtis Martin and Heisman Trophy winner Tony Dorsett, to name but just a few; and,

WHEREAS, the 1997 PITTSBURGH PANTHERS, continue to build upon that great college football tradition of excellence under the leadership of Athletic Director, Steve Pederson and the Panther's thirty-third Head Football Coach, Walt Harris, who in his first year as head coach, guided the Panthers to an exciting winning season; and,

WHEREAS, the PITTSBURGH PANTHERS garnered national attention throughout the 1997 season by winning big games against tough and worthy opponents such as the University of Miami, Houston, Virginia Tech, and the unforgettable, 41-38, triple overtime victory in the season finale at the University of the West Virginia; and,

WHEREAS, on December 1, 1997, at the conclusion of this exciting season, the University of Pittsburgh's Chancellor, Mark Nordenberg, Athletic Director, Steve Pederson and Head Football Coach Walt Harris accepted on behalf of the 1997 PITTSBURGH PANTHERS a bid to participate in the 1997 AXA Equitable Liberty Bowl scheduled for December 31st in Memphis, Tennessee.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Coach Walt Harris and each and every individual player on the 1997 PITTSBURGH PANTHERS football team for their outstanding winning season and extends to them our best wishes in their quest for on

more victory in 1997 at the AXA Equitable Liberty Bowl on New Years Eve; and;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, in recognition of the University of Pittsburgh's Pittsburgh Panthers winning ways and in appreciation for bringing national recognition to the city, does hereby declare December 31, 1997, to be "THE UNIVERSITY OF PITTSBURGH'S PITTSBURGH PANTHER DAY" in the City of Pittsburgh - the City of Champions - and on that day hereby encourages all Citizens of Pittsburgh to cheer our Panthers on to a Liberty Bowl victory!

**MR. COHEN** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**Mr. O'Connor:**

Congratulations.

**Mr. Nordenberg:**

It is amazing how good you can look and how well you can do when you hire the right people and give them the support that they need to do a job. Certainly when Steve Pederson and Walt Harris were recruited to come to the University of Pittsburgh, this community gained two outstanding professionals and two outstanding human beings.

We are very proud of this season not just in terms of the wins and the losses and the invitation to go to the Liberty Bowl, but even more in terms of the way in which things were approached. There was a lot of

hard work and determination and courage displayed by this team during the course of the year.

In short, I think we did things the Pittsburgh way. Certainly we are very very honored that this distinguished group has chosen to recognize the accomplishments of our football team. I was just saying to Steve and to Walt on the way down today that I have been co-chairing a special legislative commission studying the problems of Pennsylvania urban schools. The Monday before Thanksgiving my coach here formerly moved that the University of Pittsburgh defeats West Virginia and win a ball pin and he is now taking credit for the fact that we did accomplish that goal. Hopefully you all will have something to take credit for after the game on December 31. If we win, we will be glad to share the glory with you. Thank you very much.

**Mr. Pederson:**

Thank you. We do appreciate this and on behalf of all of our student athletes and everyone in the athletic department we are grateful for this kind recognition and appreciation of what they've done. It is really the students on the team who have accomplished this.

I have to tell you from the time I got here, one of the biggest priorities I had was to make this Pittsburgh's team. I said from the beginning that I want the citizens of Pittsburgh to say we have the Steelers, the Pirates, the Penguins, and Panthers. I hope we are making roads in that. We did have -- maybe it is a good luck charm, we did have one addition to Pitt Stadium this year, if you saw in the end zone flying high above the stadium for the first time was the City of

Pittsburgh Flag at every one of our home games. That was significant to all of us.

I want to say on behalf of all of us who work there, we appreciate so much the support of the citizens of Pittsburgh and all of Western Pennsylvania and there are good things ahead. We still have a lot of work to do. We still have a tough road ahead, but that's the way it is in all of Pittsburgh. We have to come to work every day and get ready to try to make things happen. That's what we are going to continue to do.

**Mr. O'Connor:**

Now for the guy who really makes it happen on a day to day and especially Saturday basis, Coach Harris.

**Mr. Harris:**

There is not really much more to say. The two distinguished speakers before pretty much said it. We appreciate the recognition; we are humbled by it. We worked very hard to be in this position. We had a lot of players that far exceeded their expectations. We had some seniors that really responded and really took our football team and took ownership of our football team and it really got it done for us. We had four seniors that came back from medical miracles that came back to play two or three weeks before the doctors thought they were going to be ready to play. I think our football team kind of in some ways is similar to this great city we're apart of is tough, hard nosed and do whatever it takes to get the job done as long as it is done correctly and legally within the rules.

I am very proud to represent us. I will work hard to improve our program. I think this is a special day and a special thing

for our football players, they haven't gotten one stitch of bowl gear yet, so I don't think they realize yet that they are going to the Liberty Bowl other than we are out there practicing. It is a great thrill. Thank you very much for everything.

**Mr. O'Connor:**

It is kind of a shame; we only get all this recognition because of football. I must say Chancellor you have made a great difference in the University and I think the relationship with the whole community. I know we have had our little disagreements but in whole this City and City Council really appreciate what you have done for the University and the students all the job creation. I know it's a big hit between the hospitals that you over see.

We want to thank you not just for your football commitment and the excellence in football, but the excellence in study. My son just graduated from law school there. I think we have two law school members, Valerie graduated there, your school does a heck of a lot that maybe you don't get recognized there as much as we should as a community, but I want to thank you, Chancellor, for all you have done.

Any of my colleagues want to add in? I want to get a picture with everybody.

**Mr. Udin:**

I want to congratulate the entire staff of the University not only for the athletic achievements but these young men are also developing in terms of character because of the strong emphasize and tradition that the University places on it and academic performance. I think that the academic

performance of many of the starters and the other members of the team is really excellent and sets a very important model for young people who watching them that is not just about athletic development. It is also about getting those studies together and being commendable human beings, I appreciate the tradition that the University brings from that.

**Mr. Onorato:**

I want to also congratulate Coach Harris and the Athletic Director Pederson for turning this program around in one year. It is pretty amazing. One thing we seem to under estimate is the national attention that a program can bring to this City. I am glad you are stressing Pittsburgh. I think it is a good move and as far as I am concerned, when the University of Pittsburgh does well, we do well and vice versa.

I do want to comment on Chancellor Nordenberg and elaborate on what Councilman O'Connor said, I think this is just another example and your tenure of just turning around the entire image of the University. I want to applaud you because once again, we benefit from that. Thank you.

**Ms. McDonald:**

As an alumnus I want to congratulate the University of Pittsburgh for a fine season. I was in the car, I don't know where I was going, but I heard about the victory and going to the Liberty Bowl, I was very very proud. I was very proud to be a graduate of the University of Pittsburgh and I look forward to the University of Pittsburgh and the City of Pittsburgh working very collaboratively to grow in this region. You all are a very important part of

this -- not just the City, but of this region. You are an attraction within yourself. As you grow, we need to grow together.

So congratulations on this part and as Bob had touched on, it is not just athletics, University of Pittsburgh is a fine institution. I went there for one reason because of its reputation in the medical field, which is what I started out on with my bachelors. You continue to please my concept of what is needed as far as a University within an urban setting and keep up the good work and reaching out.

Mark, personally I can say you're one very fine Chancellor because you actually have gone out, you're not in an ivory tower, you're out there and making sure that you collaborate with all of the community.

**Mr. O'Connor:**

Before we go on, Jay Rulings does all the work and is our legislature --

**Mr. Hertzberg:**

Thank you, Mr. President. I want to echo, I don't want to be too repetitious but Chancellor Mark Nordenberg has just looked at every facet of the University. Whether it be academic excellence, whether it be faculty, athletics, and he's really started to turn everything around. We are seeing it here with the football program. I was able to watch the Miami game and the West Virginia game and boy they were just great ball games to watch and growing up here in Western Pennsylvania with our traditions as a hot bed of football, myself involved in high school.

Unfortunately I wasn't big enough or fast enough to play at Pitt, but I kept playing ball and I kept following it. The Anthony

Dorsett era was my era and it is great to see you bringing it back around to Pitt. There is no doubt in my mind we can compete with all the other football programs that are around and Pennsylvania and the whole region and just congratulations and I am looking forward to that Liberty Bowl on the 31st and let's go get them.

**Mr. Cohen:**

I did not attend the University of Pittsburgh but my wife did, my brother did, my father-in-law did, and he attends every single game. I want to congratulate first of all the two of you on the terrific season and I really hope for the best at the Liberty Bowl. I think we can win. I know we can win.

Also, with Chancellor Nordenberg, I really have said this before, I think you have brought a breath of fresh air to the community. As representing the University of Pittsburgh on City Council at least geographically it has been a pleasure to work with you. We have had some frank discussions in the last couple of years. I think they've been good and productive. I appreciate your sensitivity to the surrounding community. Thank you for coming down here.

**Mr. Ricciardi:**

I just have an earnest congratulations to all of you and good luck.

**The Chair:**

Would the delegation from the FOP, please come forward from the Law Enforcement Pittsburgh Bureau of Police? Welcome.

**Mr. O'Connor:**

We have Bill and Marge Burke and Ray Mickenowski. Again, this is -- we brought in a blue light that I have in my house. We want to thank all of you. I know it is a tough time for all police officers but this is an annual tribute you have been doing over the years and Council supported you. I want to commend you on all your hard work. I will read the proclamation.

**MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:**

No. 2665 WHEREAS, Project Blue Light is also a special event that, during this holiday season, affords the people of Pittsburgh an opportunity to demonstrate their support for the men and women of the Pittsburgh Bureau of Police who are working night and day to keep the streets of the City of Pittsburgh safe; and,

WHEREAS, Project Blue Light asks Pittsburgh residents to display a single blue light in their window during the Holiday Season in remembrance of law enforcement officers who have lost their lives in the line of duty and in support of their loved ones and families who must confront the reality of their loss everyday of the year; and,

WHEREAS, Project Blue Light is also a sign of the public's support for law enforcement officers who have been wounded or disabled in the line of duty; and,

WHEREAS, Pittsburgh's Project Blue Light is sponsored by the Fraternal Order of Police's Fort Pitt Lodge No. 1, and Fort Pitt Lodge No. 91, Fort Pitt Lodge No. 1 Auxiliary, and The Law Enforcement Officers Memorial, of Allegheny County; and,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh extends its full support and endorsement of Project Blue Light and encourages all Pittsburghers to participate in order to honor and remembering those law enforcement officers who have given their lives in service us and as a means to demonstrate the public's thanks to those officers who preserve the public's safety each and every day of the year; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends the Fraternal Order of Police's Fort Pitt Lodge No. 1, and Fort Pitt Lodge No. 91, Fort Pitt Lodge No. 1 Auxiliary, and The Law Enforcement Officers Memorial, of Allegheny County for sponsoring Project Blue Light and hereby declares the week of December 14, 1997 through December 20, 1997, to be "Project Blue Light Week" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

THE CHAIR seconded the motion.

Which motion prevailed.

Mrs. Burke:

Thank you, Mr. Ferlo and Mr. O'Connor and all Council people. I want to thank you for this opportunity and for this resolution. As you well know this blue light, we keep this in our window at home all year round in our living room window. As everyone knows there is a lot of negative things going on with police now. But we need some positive things said and remember all the good things the police do. So display your blue light and be proud of it. Thank you.

Mr. Burke:

Again, I would like to thank Council for this resolution. As my wife said we got the blue light in our window all year round. This year has been a real success, we have a lot more people displaying the light and it is a national project and not only during the holiday season but all year round. As Council knows we have 96 officers names' on our memorial over by Three Rivers Stadium. We have more projects to do over there. We are going to try to get a handicap ramp access to the memorial and this will have the access to all the memorials over there. We also are pushing the blue light throughout the whole United States.

I hope that the holiday season is a safe one for everyone and a happy one. With the officers being out there 24 hours a day, this blue light means a lot and thank you and happy holidays.

Mr. Mickenowski:

Thank you. As Bob was trying to say, my name is Ray Mickenowski. I am a former, or I should say a retired lieutenant from the City, I am also the chairman of the Adopt a Cop Program. We have come before Council before not only for the blue light but for other projects as well. As we talk about the blue light, some people don't still even understand what it's all about. All these are small candle holders with a light bulb in it and some of these light bulbs, being this is battery operated, you cannot get a bulb from the stores to fit these. So we don't see too many in the window.

We are just finding out today what you can do is use a regular bulb and paint this with a blue marker and it shows up

fairly nice, and you can stick it in your window and you don't have to worry about electrical to plug it in.

The Project Blue Light is not only like Bill said for City of Pittsburgh, but it is also for Allegheny County and the State of Pennsylvania and national. So we are very honored that we can honor those officers who are out there on the streets now protecting the City of Pittsburgh and throughout the county and throughout the country.

The officers are going through tough times now and we want people to know that as former officers or as retired officers, we are concerned about them as well as the people of Pittsburgh. Thank you.

**Mr. O'Connor:**

If you haven't seen the memorial you owe it to yourself to see that. Its a nice day, I know the winter is tough at times, if you are ever near the stadium, there are other memorials there, the Korean War Vets. You have done an outstanding job, and it's really a tribute to you and all the officers. I encourage Pittsburgher's to see it. It is really a great tribute. And please display the blue light.

**The Chair:**

Thank you very much. That concludes our read and adoptive. Moving to Presentation of Papers.

**MR. CUSICK PRESENTED:**

No. 2666: Resolution amending Resolution No. 454/1997 entitled "Providing for an Agreement or Agreements with the Pittsburgh Board of Public Education for the

purpose of providing meals in connection with the Summer Food Service Program" by providing for a supplemental agreement, and by increasing the total cost of the program by \$30,000.00 from \$800,000.00 to \$830,000.00, payable from Index 270256, Account 525530, Fund 2855, Organization 521220, Subclass 600, Year 1997, in the Department of Parks and Recreation.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

**MR. COHEN** moved to suspend Rule 8 on all bills introduced today by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**MS. MCDONALD PRESENTED:**

No. 2667 Resolution approving execution of a Contract for Disposition of Land by & between the URA and Mascaro Construction Co., L.P. or an entity to be formed for the sale of Parcel 1 (B & L 22J-pt of Lot 151) in the 21<sup>st</sup> Ward of the City of Pittsburgh in Redevelopment Area No. 11, Metropolitan St. at Columbus Avenue Council District No. 6. (Construction of Office Building).

No. 2668 Resolution providing for an Agreement (s) for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, Lawrenceville Development Corporation,

and Lawrenceville Business Association, at a cost not to exceed \$61,338.10, chargeable to and payable from the Community Based Organization Trust Fund: Account 500000; Fund 2810; org. 110000, Subclass 600; Project/Grant # N/A, Budget Year 1997.

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

**MR. O'CONNOR PRESENTED:**

No. 2669 Resolution amending Resolution No. 383/1997, entitled "providing for a Contract or Contracts, or use of existing Contracts for the Chartiers Avenue/Hillsboro Street Intersection Improvements; and providing for the payment of the cost thereof," by increasing the total project allocation by \$60,000.00, from \$200,000.00 to \$260,000.00.

No. 2670 Resolution further amending Resolution No. 1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by increasing a line item (Neighborhood Street Improvements) by \$60,000.00 from \$1,550,000.00 to \$1,610,000.00.

Which were read and referred to the Committee on Engineering and Construction.

**MR. RICCIARDI PRESENTED:**

No. 2671 An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 619, Refuse Collection and Recycling to provide for the imposition of a Residential Refuse Collection Fee, to provide a means of

dispute resolution pertaining to such fees and to establish the penalty for noncompliance.

No. 2672 Resolution dedicating a portion of Unamed Way, between Norwich Avenue and Dorchester Way, 15' wide including the asphalt surface only in the 19<sup>th</sup> Ward, 4<sup>th</sup> Council District of the City of Pittsburgh.

No. 2673 Resolution amending Res. No. 198, effective April 28, 1997. This resolution is entitled "Providing for a contract or contracts, or use of the existing contracts, for street resurfacing in CD areas throughout the City of Pittsburgh and providing for the payment thereof. We are increasing the total allocation by \$560,000.00 Dollars to (\$1,560,000.00), chargeable to and payable from Account 526700, Fund 2610, Org. 400000, Sub-Class C1997, Project Number 2239000, Budget year 1997, Citywide Resurfacing, Department of Public Works.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

**MR. UDIN PRESENTED:**

No. 2674 Resolution authorizing the transfer of \$74,000.00 from various Code Accounts, all within the City Controller's Office. This resolution is necessary to provide sufficient funding for payroll accounts in the City Controller's Office.

No. 2675 Resolution authorizing the Citizen's Police Review Board to enter into a rental lease and purchase various items for the conduct of its business at a cost not to exceed \$105,000.00 (One Hundred Five Thousand Dollars) chargeable to and payable from Code Account 75, Fund 1000, Sub 150, Organization 999400



Miscellaneous Services, Account 525600, Budget Year 1997. (SPONSORED BY MR. UDIN).

Which were read and referred to the Committee on Finance and Budget.

**The Chair:**

That concludes our Presentation of Papers.

#### UNFINISHED BUSINESS

**THE CHAIR PRESENTS:**

Bill No. 2663:

Appointing Patricia Bagley, 156 Hazlett Street, Pittsburgh, PA 15214, as a member of the Housing Authority of the City of Pittsburgh, term to expire December 31, 1998.

**THE CHAIR** moved to approve the appointment.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

#### REPORTS OF COMMITTEES

**MR. UDIN PRESENTED:**

Bill No. 2676.

Report of the Committee on Finance and Budget for December 10, 1997, transmitting two ordinances and sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2600:

An ordinance amending and supplementing the Pittsburgh code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 253 Parking Tax, by clarifying and adding definitions, changing the rate of tax, establishing trust funds, specifying revenue control equipment and adding reporting requirements.

Which was read.

Also,

Bill No. 2601:

An ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article VII, Service Businesses, Chapter 763, Parking Lots, by adding requirements for the installation of revenue control equipment as a condition of license issuance expanding the scope of prohibited and changing the license fee.

Which was read.

Also,

Bill No. 2635:

Resolution providing for transfer of the aggregate amount of One Hundred Twenty-five Thousand (\$125,000.00) from various Code Accounts within the Department of Finance to Code Account No. 41, Refunds-Real Estate Tax, Department of Finance, Index Code 004101, Account 585020, Fund 1000, Organization 999200, Sub-Class 150, Budget Year 1997.

Which was read.

Also,

Bill No. 2645:

Resolution authorizing the transfer of the aggregate amount of Eight Thousand Dollars (\$8,000) from various EMS accounts to EMS's Premium Pay Account.

Which was read.

Also,

Bill No. 2646:

Resolution authorizing the transfer of Two Hundred Fifty Thousand Dollars (\$250,000) from the EMS Reimbursement Events Trust Fund (EMSRETF) to the EMS Trust Fund (EMSTF).

Which was read.

Also,

Bill No. 2647:

Resolution authorizing the transfer of the aggregate amount of Ten Thousand Eight Hundred Dollars (\$10,800) from various EMS accounts to Code Account 1420, Salaries and Wages.

Which was read.

Also,

Bill No. 2648:

Resolution authorizing the transfer of Five Thousand Dollars (\$5,000) from EMS's Miscellaneous Service Account to Supply Account for the purchase of medical

supplies.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Udin:**

Just to comment, Mr. President, on the parking tax increase, which has been read, I will be with some reservation voting in support of the parking tax increase. It is a part of a whole package that Council has presented that is in keeping with a structurally balanced budget. It maintains a healthy fund balance while at the same time rejecting the so-called garbage tax. I think that the Council's approval of this Parking Tax is I think a strong statement of Council's intention to present a responsible balanced budget but not one that unnecessarily taxes the residents until we have made sure that every single savings that can be gleaned from the budget is gleaned from the budget. I think we have done that and although I am disappointed with some of the administration's recent remarks regarding the budget, I am looking forward to more specific proposals from them to resolve the budget crises rather than just derogators and name-calling.

**The Chair:**

Other discussion?

**Mr. O'Connor:**

I will be voting no on 2600 but I would like my comments brought forward. I think enough was said last week. I would like to mention on 2601 the control devices,

which you and I have talked and worked for a couple of years, I would like to elaborate. This is not the \$30,000 control it is a mere \$300 to \$400 clock. It is a start of control we initiated last year at \$20,000 computer system but I think the key. I believe there is a lot more revenue to bring in, but I think the key to this will be hiring the three or four full time employees that really audit and count cars and make sure that the tax payers are getting their monies worth. I wanted to make sure that that is clear that we are only putting a time clock system in and not a high expensive thing. I would like to revisit this in six months and see how it is working.

**(SEE ADDENDUM)**

**The Chair:**

Thank you Councilman. Other discussion?

I share Councilman Udin's concern. Originally this morning given the comments that the Mayor and his chief of staff made relative to Council's budget action yesterday. My biased this morning was that we recommend the parking tax bill, because I for one as I expressed yesterday am not going to stick the public and our City tax payers with both taxes, the garbage tax and the parking tax. I think clearly I have spoken probably to everybody here about a two thirds majority of Council have been clear and adamant and united on the fact that we will not accept the garbage tax fee increase and more importantly that we have gotten a lot of due diligence. I would ask the administration to please go back and read Home Wood Charter is explicit about Council's legislative rule as it relates to the final adoption and formulation of a budget.

I think as Councilman Onorato

pointed out yesterday all of the communicative actions we took yesterday they were minor changes over all to the Mayor's proposed budget, whether it be the capital budget, whether it be the bond funds or the community development block grant. I think Councilman Onorato pointed out that we were effecting less than 8% of the bond issue and less than 5% on capital or maybe the reverse, and less than about 1% overall on the operating budget. The revenue issue is not some subjective arbitrarily and capricious action on the part of the Budget Office of City Council or any of our colleagues including our Finance Chair, Mr. Udin.

We spent a lot of time talking and explaining and listening to the economy leagues projections. We spent a lot of time going back and looking at the revenue in previous years, which is a quantifiable number. There is no mystery. We know explicitly what we have taken in over the last five years and various line items so that's why quantifiable objective information. It is not something that's done on a whim and I would ask the administration to lighten a little bit.

The threat they now put out that we -- it is like little kid pounding his chest before Christmas, we are going to now layoff City employees is some kind of idle threat. We still leave and no where did I see in the news articles this morning this Council's budget that we are at the point of resolving and we are doing a situation not impose a garbage tax leaves a \$38 million fund balance. Somewhere that didn't get mentioned yesterday by the Mayor or by the reporters or the media. It's not like we don't have money, does that mean that we should just go and start window shopping and start buying things that we don't need or

expanding the operations of City government? No and we haven't done that. But this budget as expressed by Council's opposition of the garbage tax yesterday, leaves significant \$38 million fund balance. That is a lot different picture than City Council expressed to this Mayor before he ran for public office and re-election about the fact that we have to be serious about changing the expenditures and the spending around in City government.

The first part of the term of this new Mayor pretty much ignored the financial calamity and the systemic structural budget deficit that we had. It was this Council that for the last four or five years has been hammering away on that issue. I also think to be fair when it comes to discussion about being truth the advertising the administration has yet to publicly come out and say, I made a mistake. Now when the mayor is running for re-election, he pounded his fists on the table and said no tax increases, absolutely not, no questions. I would like to think and suggest that maybe he may not have gotten re-elected if he was actually honest with the public prior to his re-election and actually told people, hey, ladies and gentlemen, City residents, you're going to get a garbage tax increase, you are going to start paying more for parking. We might be attending Mayor O'Connor's inaugural instead of Mayor Murphy.

Let's be fair here and let's not attack Council's proposal as an aim. I think we have had a clear objective reasonable debate and discussion pursuant to the Home Wood Charter this Council as a legislative body, I think has made fair and prudent choices about what we thought our priorities are. Out of the overall budget that we have given the Mayor on Capital Bond funds and CBDG dollars, the Federal Grant, we made

minor changes based on our experiences as elected district Council members on what we needed to see. We wanted more spent on rodent control, we wanted more spent on demolition of vacant houses, abandoned properties. We wanted more spent on lot clean up. We wanted to give a fuller appreciation to the work of community develop groups that are helping to turn around our neighborhood business districts.

This is the same Council that is helping ALCOA, which is none to poor of a corporate, building a new corporate headquarters in this City. We all united and supported that, myself included. We supported the downtown Lazarus. We have supported every major tiff and economic development agenda to the credit of Mayor Murphy. We have supported that. Even to the extent that we have taken \$7 million away from our budget by giving him a cash account to do economic development that is down at the URA. We took that money away. We could have used that money to balance the ALCOA budget, but the Mayor won on his proposal on its merits. He said I want that money to be set aside to do development and we supported him, I supported him. That was the first year of his first term. He also said I want to double my staff in the Mayor's office, because I want to consolidate the economic development agenda, I want people working right in my office. I supported him on that.

Now because we have made minor adjustments to this budget based on what we think the priorities and the policies are, he has to come out with a comment that says it's Council's action are in. I think not. I would ask that the administration go back and look objectively at what Council's role is in City government as it relates to the legislative process and leaving our mark on

what we think is important to our tax payers and the problems and things that we see out in our respective neighborhoods district. I stand solidly behind what we did yesterday. I will not support the garbage tax and I will go ahead and vote finally on the parking tax because I see it as one comprehensive package of reasonable and prudent Council actions.

**Mr. Hertzberg:**

I respect the Mayor's viewpoints. I respect the Mayor's viewpoints I respect the viewpoint of Dr. Miller. I am going to give them the benefit of the doubt that some of these quotations were taken out of context and that there is mutuality of respect here. I am going to tell the work force of the City right now that I think if they're going to blame City Council as a result of our actions and going forward in a manner that the majority of Council has set forth, if that is going to result in lay-offs, I think it will be totally wrong to put that blame on City Council while the City has a \$38.5 million fund balance and we are having an argument over less than 1% of the operating budget. I think we are putting the onus on the wrong side of the hall with that.

What I'm hopeful we can do is that this doesn't turn into a confrontational situation. It shouldn't. There is no reason. We're all reasonable people on both sides of the hall on 5th floor. I think we can sit down and talk this through. Maybe there are some other areas we can work in that will be better for the budget. But my principle and I am sticking with it, I am not happy voting for this parking tax, I am going to live with it. I am going to vote for that tax, but I have said several times since this budget was introduced, not the refuse fee. I am not going to be voting for that. I am not going

to be moving on that. I am letting everyone on Council know that. I am asking all the Council members that said it is their position to stick with your position, stick with our plan, it is the right plan, it is the right way to do this.

**Mr. Cohen:**

I also didn't appreciate the comments that came out yesterday. I don't frankly think we're productive from the Mayor's side. I hope that over the next four days that we could stop the blaming, the finger pointing and the name-calling and really try to work through this budget. I don't blame the Mayor for proposing a budget that he did. I think it was a difficult thing to do. I respect him for proposing it. But at the same time, on this side of the hall, we struggle to come up with a responsible plan. I think it is a responsible plan. I would like to see instead of the name-calling from the Mayor's office is for them to review our plan, go through it item by item and tell us what they view is inaccurate or wrong. I think they are going to have a hard time doing that.

If they believe that these numbers are hard the way I do, then we are going to have a discussion as to why we need a cushion in the budget, and have a frank discussion about that. I would like to see us, let's get beyond the rhetoric here. I ask the Mayor's office and this Council to engage in a dialogue over the next four days. If there are items in that plan that Council passed yesterday that the Mayor's office feels is not accurate then please come back to us with that don't come back to us with name calling. If your view is accurate and what you view is not accurate and then have a constructive dialogue. At this point we don't have that and I hope we can.

**Ms. McDonald:**

I share the same concerns. It wasn't appreciated the stance that was taken and the posturing. To me it was very short sided. It was like a knee jerk reaction and it wasn't well thought out. It has happened before though. Cool heads will prevail. We will get down to this tomorrow, we will discuss it. Personally I was being a little open mind about that garbage fee. I am not now. Because if you are going to sit there and threaten workers to hammer on them, that's not right. You made me unmove them, where I was a little moveable, I am now unmovable. I am not supporting that garbage fee. I will support the parking tax increase.

I think there is a compromise but the administration is going to have to seriously convince me why in the world our numbers that we presented yesterday are not worthy, are inaccurate, show me why. We are only doing what we are being responsible for, is looking out for policy on behalf of the taxpayers. I thought that is what we were elected for, not to be like the little dog on the window, that his head bobs up and down when we drive. I am not that dog in the window. You are going to have to convince me as to why we should have a garbage fee, which would to me end up a garbage tax.

Again, if I can't be convinced and there is still such resistance, then I am going to be questioning what is the real reason. Obviously, if the numbers are there and logistically things are making sense and yet there is still resistance, I am going to start asking some other types of questions.

**Mr. Onorato:**

I just want my comments on Bill 2600 brought forward.

**(SEE ADDENDUM)**

**Mr. O'Connor:**

Quickly, I didn't read the papers. I am not going to get into arguments with the Mayor. The only people that even mentioned to me, and I have been against this garbage tax from day one, the only people that have mentioned to me the possibility of supporting it, I am talking constituents or the idea that this money may go to clean up the City. There is nothing in there to really clean up the City. It is certainly just to balance the budget.

If anyone deserves credit to clean up the City I think Councilman Ricciardi has found money, lot clean up and that was brought up yesterday. So there is the kind of initiatives to clean up the City. I think Council has been fighting for and to keep that money there through Public Works and other resources the lot programs, so if there is any clean up in the City and you with the graffiti and mustering all the rewards you have given up, Mr. President, I think if there is any clean up of the City, credit or we certainly have a long way to go, I don't believe the City is very clean. It certainly would stay on this side of the aisle.

**The Chair:**

Again, we had seven votes yesterday united front, super majority to override any veto bill. I would ask that we stay together in support of the parking tax and opposition to the garbage tax and a solid behind the financial budgetary action that we took yesterday.

Role call vote on the Bills under the Finance Committee.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**(MR. O'CONNOR VOTED NOE ON BILL 2600)**

All the bills having received the legally required number of votes have been approved finally.

**MR. ONORATO PRESENTED:**

Bill No. 2677:

Report of the Committee on Planning, Zoning, and Land Use for December 10, 1997, transmitting an ordinance to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2520:

An Ordinance Amending Title Six - Conduct; Article I: Regulated Rights and Actions; Chapter 604 Curfew, by deleting § 604.05(2) of the Enforcement Section and 604.06 Curfew Center. The Effective date of the legislation shall be January 1, 1998. **(SPONSORED BY MR. O'CONNOR)**

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, if you are in favor of the bill for new development on Armstrong Square vote aye when your names are called, if opposed, vote noe.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES      Eight      NOES      None**

The bill having received the legally required number of votes has been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2678.

Report of Committee on Housing, Economic Development and Promotion for December 10, 1997, transmitting an ordinance to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2632:

An Ordinance amending the Pittsburgh City Code sections 501.01(a): 543.02, 543.03; 543.05; 543.06; 545.01; and 545.02 to accommodate alternative forms of

payment in parking meters and to better define the parameters of a metered parking space.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, if you are in favor of the bill, vote aye when your names are called, if opposed vote noe.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo

(Pres't)

**AYES Eight NOES None**

Bill having received the legally required number of votes has been approved finally.

**MR. CUSICK PRESENTED:**

Bill No. 2679.

Report of Committee on Parks, Recreation, and Youth Policy for December 10, 1997, transmitting a resolution to Council. Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2630:

Resolution Providing for a contract or contracts, agreement or agreements, or the

use of existing contracts or agreements for the printing of the 1998 edition of the Summer Magazine and other related recreational materials for the Department of Parks and Recreation in an amount not to exceed \$25,000.00, payable from Index 180109; Account 526150; Fund 1000; Subclass 150; Organization 520000; Budget Year 1997, in the Department of Parks and Recreation.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? This bill was amended by Council, and if it is not followed by the Director when this warrant comes in next year, the warrant will be paid for out of the Director's salary.

Hearing none, bill is now ready for passage.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo

(Pres't)

**AYES Eight NOES None**

The bill having received the legally required number of votes has been approved finally.

**The Chair:**

That concludes our Reports of Committee.



I want to remind our colleagues, our next Legislative Meeting will be on Monday, December 22 at 10:00 a.m. Tomorrow we have the regular Standing Committee Meeting and additional votes on the garbage tax and related issues.

**Mr. Ricciardi:**

What's Friday?

**The Chair:**

Final vote on Friday. Any other matter to be brought before the body under motions and resolutions?

#### **MOTIONS AND RESOLUTIONS**

Just a couple quick matters. As you know, I think Council received a letter from Bob Croner from the Lawrenceville Community. Unfortunately due to personal health reasons, he had to resign from the Civilian Review Board. I would suggest that every colleague forward a new name through the Clerk's office through Council President including myself. I think it would be appropriate if we just all introduced nominees and send all those nine nominee suggestions to the Mayor for his selection. The selections were not made by district; they were made from the ordinance, which suggests that Council will forward some names in this case Mr. Croner was from Council --

I would suggestion we all go one round robin again. Please let's try to do that in the next week. I would ask the Clerk to please follow up on that. I would like to ask each colleague if you have an additional nominee or if you want to reintroduce your nominee of the past, that we immediately do that in the next week and get all nine names

over to the Mayor for his selection. We can interview that candidate maybe even before the end of the year.

Secondly, the Mayor did sign the resolution of Council on the Plan B Working Group Committee. I am very pleased to see his level of cooperation on that front. I would suggest each colleague if you have individuals or group leaders or names whoever they be from the business community, from the academic community, from the grass roots community, whatever, anybody who has something to contribute, which I think there is a lot of talent out there in the Greater Pittsburgh area, I would ask that we all forward names over the next few days to the Mayor.

Deputy Mayor Cox will be working with us to try to come up with a finalized list. I want to thank the administration for working and accepting Council's request for a broader working group to build some consensus. I would ask that each colleague whatever list of names you have, it can be exhaustive or it can be minimal, I would suggest that we forward good names, potential individuals who would like to serve on this committee.

This committee will do work in January, February this is not to be a long drawn out process. This is going to be something that is inclusive but will be hardworking voluntary effort on the part of these individuals over the next couple of months. I have a lot of individuals that have called my office and I am sure other colleagues, we have had lengthy articles written in the news papers that people have suggested various ideas, I am hoping that some of these people can be brought forward to serve on this committee.

**Mr. Cohen:**

Thank you for bringing it up, Mr. President. I would suggest that we have at least a limit on the number of names that go over. We have to be realistic here and what is manageable here and practical. I don't know what that limit should be if that is ten names or twenty names, but I think we should try to reach some consensus on a limit per Council person so we are not just flooding them with names.

**The Chair:**

I have no objection to that. Our experience in the past is sometimes Council members will rise to the occasion and get their work together and come up with nominees and others want to have eight or nine.

**Mr. Cohen:**

Maybe a limit for the whole body?

**The Chair:**

Let's try to come up with some names and then cross that bridge when we come to it. There is a lot of talent out there. Again, the Mayor is going to be ultimately the individual helping to suggest the nominees and place the volunteers on this working group. So I would just say use your own judgment. I am sure everybody could come up with two or three names and we can forward those names to the Mayor for his consideration.

**Mr. O'Connor:**

Just to elaborate I know on one of the first task forces, there were no real estate people, no restaurant people. I think you

want to try to get a more diverse group who represents the City, women, and minorities. You said that in writing I would like to elaborate on that.

**The Chair:**

I agree. I would just like to say for example I know Mr. Bersadi from the Common Pleas has been a strong advocate of the Convention Center expansion and feels very strongly about that need for development. I was going to forward his name as somebody to consider.

**Mr. O'Connor:**

We can all pick the standard people on every organization, every board. I think the people you just mentioned would make the difference.

**The Chair:**

I think the way the resolution is; it is going to be an inclusive process and broadly representative of a lot of different constituent groups. I think the talent is going to be the leadership of the Mayor and the development team and this Council in trying to build some consensus and some — bring some finality to the immediate issues of the stadium and the Convention Center and then any related issues regarding the economic development.

Other issues before the body?

**Mr. Udin:**

Yes. I want to bring to the attention of colleagues and the public that the City of Pittsburgh has lost a fine son in the person of Albert Turk Graham. He was the Ward Chairman in the Third Ward. After working 30 years in the LTV Steel site, he continued

community work as the constable in the Third Ward. The Third Ward Chairman. He also ran the food bank up at the Kay Leroy Irvis Towers for the seniors. He was laid to rest yesterday. I want to just kind of thank the family of Turk, Mrs. Mary Graham and send out our condolences for all those who loved him.

**The Chair:**

Thank you very much. Any other matter to be brought before the body? Hearing none, this Legislative Session now stands adjourned.

**ADDENDUM**

**Mr. O'Connor and Mr. Onorato's comments on Bill 2600 can be found in the Standing Committee Meeting minutes of December 10, 1997.**

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO ..... President  
LINDA M. JOHNSON-WASLER..... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Friday, December 19, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Ricciardi	Mr. Hertzberg
Mr. Udin	Ms. McDonald
Mr. O'Connor	Mr. Ferlo

(Pres't)

#### ABSENT:

Mr. Cusick

#### The Chair:

Please be patient, we are finalizing some printing of various amendments. At this time this Legislative session now stands in recess for 25 minutes.

Thank you.

(After recess—began at 10:50 a.m.)

#### The Chair:

Good morning, City Council's Legislative Special Session on the year-end budget is now back in order from our brief recess in order to print various amendments and documents. To be official and formal I would ask the City Clerk to please read this bill calling the Special Meeting.

#### PRESENTATIONS

##### THE CHAIR PRESENTS:

Bill No. 2680:

Communication from City Council President Jim Ferlo submitting notification to Council that a Special Legislative Session of Council will be held on Friday, December 19, 1997 for the purpose of adopting the 1998 budget.

##### The Chair:

Thank you very much. The basic business this morning is the business of the year-end final budget, the Operating Budget for 1998 as well as the year-end and 1998 and beyond Capital Budget and Capital Bond Budget.

At this time I will call on Councilman Udin to present the formal bill. We have a number of amendments this morning also that will be offered. They are balanced amendments, and they will be offered by various colleagues.

#### REPORTS OF COMMITTEES

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**MR. UDIN PRESENTED:**

Bill No. 2681:

Report of the Committee on Finance and Budget for December 17, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2603:

Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year beginning January 1, 1998.

Which was read.

Also,

Bill No. 2604:

Resolution fixing the number of officers and employees of the City of Pittsburgh, and the rate of compensation thereof, and setting minimum levels for designated positions.

Which was read.

Also,

Bill No. 2605:

Resolution adopting and approving the 1998 Capital Budget and the CDBG Program; and approving the 1998-2003 Capital Improvement Program, by adjusting various line items in conformance with City Council's 1998 Capital Budget Amendments.

Which was read.

**The Chair:**

You have heard the reading and title of the bills.

I do want to thank Bob Murphy and the other employees in the City Print Shop for doing a heck of a job getting these last minute documents. As you can see it is a significant and hefty document, hundreds and hundreds of pages. We want to thank those employees in the print shop for doing a great job and in a very efficient and expeditious manner. Hopefully they will remain City employees and not be changed over to the county building.

At this time we have a number of amendments regarding the Operating and/or the Capital Budget.

**Mr. Udin:**

First amendment is an amendment I would like to offer regarding the funding of the Citizens Police Review Board. If you recall there was a rule over of unexpended funds from the 1997 funding of the Review Board that amounted to approximately \$100,000 and there was also an additional \$90,000 that was proposed by the administration to fund the Curfew Center. Given the effect of the legislation that Council passed regarding the limiting of total funding for the Curfew Center to \$75,000 for the year, it freed \$90,000 to be applied to the funding of the Citizens Police Review Board. So this amendment then would amend the budget to fund the Citizen Police Review for 1998 at the level of \$390,000 when you add the funds from the administration 195,000 and \$100,000 from

the previous year and \$90,000 from the Curfew budget.

**The Chair:**

Thank you. Obviously a lot of us are joining in this re-appropriation of the monies from the Curfew Center. They are not needed and it is very appropriate at this time that we respond to the formal requests of the independent Civilian Police Review Board as it relates to their 1998 proposed Operating Budget. I would ask our colleagues to support these amounts.

Any other discussion on the amendments?

**Mr. Hertzberg:**

Just to make sure my understanding is that there would still be funding to continue operation at a much more scaled down expense though of the Curfew Center by voting for this. I am all supportive of these amendments. I am in no way trying to say close the Curfew Center but I believe the cost of operating must be scaled down. I think there will be sufficient funds to continue operation 1998 given our allocations from the current year.

**The Chair:**

The effect of the action is to support Councilman O'Connor's request to limit expenditures for the Safety Zone Curfew Center to the \$75,000 appropriation for 1998.

Any other discussion on the amendment?

Roll call vote on the amendment.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES** Eight      **NOES** None

**The Chair:**

Thank you. Again, colleagues, all amendments today must be balanced. Any additional appropriations or expenditures must show a corresponding line item or source of that funding be it operating or capital.

**Mr. Udin:**

The next amendment, Mr. President, is an amendment to provide funding for the Hunger Services Network to close the gap from the cut in the budget of Hunger Services by the administration of \$70,000. So it moves to decrease street resurfacing by \$70,000 to increase Hunger Services Network \$20,000, increase the Pittsburgh Community Services Hunger Funds by \$50,000, it also includes, Mr. President, an increase in the Oakland House initiative of \$50,000. A reduction in the neighborhood street improvement of \$150,000 and an increase in Property Reserve Trust Fund of \$100,000.

**MR. UDIN** moved to adopt the amendment.

**THE CHAIR** seconded it for discussion.

**The Chair:**

Obviously I would like all of our colleagues to support this. This is a concern of Councilman Cohen as expressed after a lengthy debate at the table. We want to show some support for the Open Housing Initiatives and we listened and we try to work with the administration assuming they are willing to work with us next year. I do want to point out in preparation of some of these amendments, we attempted to try to at least maintain a level funding in the previous 1997 year for the critical Hunger Safety and other Safety Net Programs.

Last year we did have the cooperation of the Mayor. I will say the Mayor or no other Chief Administrator ever took the time, at least to meet with me as Council President to try to resolve some of these differences. I don't believe likewise they ever took the time once over the last eight weeks to meet with the Chairman of the Budget Committee, Councilman Udin, and that probably is the case except for maybe yesterday for many other colleagues. I think Councilman O'Connor was never approached to meet about any issue. I would hope we would have a little better working relationship next year. Although it is quite obvious the Mayor has chosen to burn a lot of bridges here today.

On this amendment, any other discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES      Eight      NOES      None**

**The Chair:**

I want to thank Councilman Ricciardi for working with us on the Trust Fund in terms of the Public Work's budget.

**Mr. Udin:**

The next item I want to bring to the attention of my colleagues is a miscalculation in the Cable Trust Fund of approximately \$250,000. We are working to restore the miscalculation within the Trust Fund. We have confidence that the Trust Fund has sufficient funding to operate especially for the broad cast of Council Meetings and Public Hearings. As you know the Trust Fund does not require Council approval to move funds around within it and the Finance Chairman is authorized to work with the General Services Director and the Council Budget Officer to make necessary amendments to balance the budget. We will be working with that in the next few days.

**The Chair:**

This is not a substantive issue; this is a minor, technical budget correction. Mr. Salac and the budget office staff need to make in order to sustain Council's previous action on funding the various operations in the cable bureau in terms of the employees and the production staff. It is not substantive issue it is a technical budgetary correction.

**MR. UDIN** moved to adopt the amendment.

**THE CHAIR** the motion.

**Mr. Onorato:**

I just want to make sure from a procedural point of view, we have two pages of amendments in front of us, were all of these amendments read and voted on so far?

**The Chair:**

We are on the third amendment. We started with the Hunger Trust Fund.

**Mr. Onorato:**

The reason I asked that is because we have been jumping around. We started with the first one then we did the second page, I wasn't sure if we did all of them yet.

**The Chair:**

We're going to get to all of them. We are going to go through all of them.

**Mr. Hertzberg:**

This particular one, where is it on the two sheets?

**Mr. Onorato:**

It is hard to follow.

**The Chair:**

I apologize for the confusion here. Could we ask Mr. Salac to please clarify what Councilman Udin is -- The Chair doesn't have the benefit of the documents.

**Mr. Hertzberg:**

I see General Service line item at the bottom of page one, is that it?

**The Chair:**

Can I ask Mr. Udin to specifically clarify the page and/or reference number?

**Mr. Udin:**

If you would refer back to the original page, we skipped to the second page before going to the second half. So, if we may, Mr. President, the second item or group of items on the first page of the amendments include the police vacancy allowance, the Department of Public Works vacancy allowance, and the OMI rentals. That was where the \$90,000 came from for the administration used to fund the Curfew Center. In addition there is an increase of \$60,083 from Parks and Recreation transfers and finally a reduction of \$60,083 from General Services miscellaneous account.

That concludes all the amendments on the first page.

**The Chair:**

Relative to the cable technical correction, any discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES    Eight       NOES    None**

Amendment is approved.



Additional amendments?

**Mr. Udin:**

Yes. These have to do with the CDBG Grants, Mr. President, from my office and they are lengthy.

**The Chair:**

Motion to approve as written and you have before you. I don't know that we need to read them all. They are balanced appropriately.

**Mr. Udin:**

They are balanced and everyone has the written copies in front of them.

**MR. UDIN** moved to adopt the amendments.

**MR. O'CONNOR** seconded the motion.

**The Chair:**

Roll call vote. Again these are the ULO and grants and donations that were not yet finalized from Councilman Udin's district. They are consistent with the budget.

Roll call vote.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

**The Chair:**

Amendments are approved and balanced. Additional amendments?

**Mr. Udin:**

The only other amendments left, Mr. President, is to move on the adoption --

**The Chair:**

We have some other approved united amendments here.

**Mr. Onorato:**

No, he just read all of my amendments. You should have all the amendments.

**Mr. Hertzberg:**

Oakland House and CDBG are left.

**The Chair:**

We have approved Oakland as part of the hunger.

**Mr. Hertzberg:**

I have some comments even though we voted on them. I want to make some comments generally on the Capital Bond as well as CDBG. I am not going to go into detail.

**The Chair:**

We are going to do that next. If there are no other amendments, we will allow you after we approved all the amendments we

will have a general discussion on either Operating or Capital or Block Grant. Now there are no other amendments that I believe we worked out this morning.

We did the cable, we did the partners in the park, Mr. Salac, additional folks, we did the clean up cable technical amendment, we corrected the Hunger Trust Fund balance for '98 and we did Civilian Review, are there any other amendments that we are not aware of?

All right, now on the bills themselves as amended, please the floor is open now for discussion on either the '98 City Operating Budget, which is the tax dollar revenues that we will be expending for '98 and they do not include the institution of the garbage tax since this Council already approved a hefty \$5 million unprecedented parking tax increase.

Any discussion on the Operating Capital Budget Bond Funds and/or the use of Federal Community Development Block Grant Dollars that we received? The floor is now open for discussion?

**Mr. Hertzberg:**

I will try to be brief and not repeat other comments that I have already made during the course of our budget hearings. Relative to the Capital Budget, I think I have spoken with most members of Council, the Capital Budget can be amended at any time and I fully intend to be offering a series of amendments early in 1998. But I think we need to be focusing on our Operating Budget right now. That seems to be where most controversy is. I am pretty hopeful that we can get our heads together on CDBG and Capital Bond Budgets and make sure that we do fund the highest priority matters. When

it comes to the Operating Budget, I am in full support of the passage of this Operating Budget. I would note that the total expenditure is \$314,000,000 and that out of that \$314,000,000 the dispute between City Council and the Mayor's office is over less than \$3 million, which is less than 1% of the Operating Budget. Because of a dispute over less than 1% of the Operating Budget we're getting statements that tell us about massive lay-offs. I just can't accept that. I am not going to bow down to any kind of threats like that. I was elected by the people of City Council District 2, that's who I serve.

Going back to what Council did here, and going through the numbers that were given to us by the Pennsylvania Economy League, I listened carefully to what Dr. Miller said. I respect his opinion, but what he told me at the Council table I can't reconcile with a reasonable analysis of this stuff. He said when you look at the economy league's numbers you can't pick out one line. At the same time he told us though that the economy league does a careful study, a very thick document analyzing every single piece. But you can't take a particular line and criticize it. If you do, you skew the whole thing.

I don't see how we can have a carefully projected revenue flow on the one hand and on the other hand be told that certain of these items are skewed but they balance out with other ones that are skewed the other way. I can't accept that. I can't accept that rationale. I find it particularly puzzling on one item, which is interest on bank balances. I don't know what is going on with that number. Apparently the economy league is not getting proper information from the City to do any kind of analysis on what the projected revenue is on that item. When you have a \$3.5 million

forecast and you end up with \$5.7 million actual and you have an error of 63% in that line item, I suggest to you that there is some major miscommunication going on there. If we would challenge that item and say it might be a little low in 1998's projections is anyone surprised? Are we being unreasonable? I don't think so, Mr. President.

I am here to vote yes for this and if we need to come back to vote yes for it again, I am voting for it. I believe it is the right thing. I believe it's what I was elected to do for the people in Council District 2. We bit the bullet on the parking tax. I don't want to start a refuse collection fee. I think that's the wrong way to go no matter how we cut it, whether it is \$3 dollars a month, whether it goes up next year, whether it doesn't go up next year, we don't want to start imposing this refuse fee, Mr. President. That is where I stand and I hope the rest of Council stands with us.

**Ms. McDonald:**

Just a comment on the over-all reaction of the Mayor in terms of this Operating Budget, I had asked for some type of compromise on this yesterday but it was not accepted. The compromise that I proposed was that in being open minded that we do need to increase revenues and that unfortunately a garbage fee or tax was recommended. I had asked was that the only rabbit in that hat there? Is that the only one? I was told yes. I don't think so. But that's what I was told. What I had offered as an individual is this, let's go with the Council projected revenues. I think they are accurate. I think we can bank on that. I think the City of Pittsburgh needs for us to not have fat in our budget but to be as lean as possible. As much as we call upon other

governmental entities organizations, corporations, you know that lean mean thing, well I don't know we're mean spirited. I can see there is meanness here, but I don't know too much lean is going on. We do need to be lean but let's go in with the investment. The Raiders, Moodies, Standard and pores, let's go in with these numbers and after three to six months, after a quarter, after the first half of the year, let's do an assessment to see are our revenues exactly as Council projected them to be? If they fall short within a certain degree of latitude, if we are not meeting the benchmarks in terms of revenue coming into the City, then not only do we need to revisit; we need to institute a revenue enhancer. If that's a garbage fee, I will be open-minded. I don't want to see this City grow broke. I want to see it grow. Sometimes we have to do what we have to do.

I am not going to sit there and go in immediately with a garbage tax when I see numbers that don't make that convince me that we don't need it. If you don't need it, then don't institute it. If we are wrong, then we can revisit after three to six months. That was not acceptable. I felt legislatively for this body to affirm that we do need a certain amount revenue. We do want decent ratings. We do want to be able to borrow. We do want to be able to get bonds at a reasonable rate with lower insurance rates, and then we can do that. Legislatively we can guarantee that there will be some revenue. If we don't necessarily need a tax, let's not institute a tax. Taxes are the last resort. I don't know, four-letter word, L-A-S-T, last resort. Not your first resort. Not going fresh into January when the numbers don't look like we need it. So that was my compromise. It was not accepted, instead I get this press release; we're going to have a massive layoff.

Okay. I can't believe we are drawing lines in the sand. The people that are suffering are not only the workers who don't know if they are going to be working from day to day; it's the people. It's the City of Pittsburgh taxpayers. They don't know either if they will be administered services. I think it is the wrong way to go. I was appalled that this Press Release came out like this. I really wish we would have had time to sit down and hash it out. But again, I don't see where any one is comprising.

**Mr. Cohen:**

I want the people who are watching us on the media who is covering this to get this right. There is not a \$4.2 million gap in this budget. There is not a \$3 million, \$2 million, or \$1 million gap in this budget. We are mandated by the City Charter, which is the constitution that governs this government to have a balanced budget. The budget that City Council is voting on today is a balanced budget. I have seen some things come out saying that there is a \$4.2 million gap. That is not the case. It is a balanced budget; the credits and the debits are equal. I want to make that very clear. More over, there is a \$38.5 million fund balance in this budget, which is exactly what the Mayor presented. We have agreed with the Mayor on a number of hard choices that came with this budget process including reorganizing the Public Works Department so that it goes from six divisions down to five divisions, including supporting a parking tax increase which was quite different and will raise over \$5 million for the City, including putting into the budget the funding for the Return To Work Program, including having a balanced Capital Budget. I have to tell you this is the first time I think in the history of Pittsburgh,

certainly the first time in my memory, that we have a Capital Budget that reflects real dollars. No member of City Council has put into that budget any neighborhood based projects including myself. We have a very balanced Capital Budget as well as a \$38.5 fund balance.

The difference between Council and the Mayor's office on this issue is mostly having to do with revenue projections. No one can predict the future. If we could, we wouldn't have this problem. What we have to do is make our best educated guess as to what those revenue projections will be. We have done that. I would say that the Mayor has done his best to do that. However, the projections that the Mayor has used in the last couple years has consistently been too high. In 1997 they were \$3.4 million too high. In 1996, \$3.1 million too high and more over we have the advantage just because our budget process is later than the Mayor's. We have the advantage of having more recent figures. I stand by these figures as the best reasonable estimate of revenue projections we could make on December 19, 1997. So to say that there is a gap in this budget of \$4.2 million is simply wrong.

It's unfortunate that we have not had the kind of dialogue with the Mayor's office that would have been productive. I think would have evaded or precluded the need for the vote veto or veto over ride vote. It's unfortunate but that's the position we are in right now. To lay people off before there is an absolute need for it is just not right. What we have to do is wait and see what the revenues actually are. I have said to the Mayor yesterday if our revenue projections are wrong or if there is some high expense that comes about in the next six months, whether that is collective bargaining or anything else, then absolutely I will

reconsider a garbage fee. But at this time and this date these are very hard and reasonable estimates as to what these revenues are.

I don't want anybody to come away from this meeting thinking there is a gap in this budget, there just is not. Frankly, I think to lay people off before we find out what those revenues turn out to be is just not right.

**Mr. O'Connor:**

I just echo everyone's sentiments. I am very disappointed in the statements from the Mayor. Valerie you came up with a -- I just heard that compromise, which I don't see why it wouldn't be acceptable because we are only talking about even if we are talking about \$4 million and let's split the difference and the Mayor's half right we're half right, now you are down to \$2 million, it's less than 1%. As Mr. Onorato said yesterday we're 99% there. I don't know why we are so hung up on this garbage fee. I will spend my few seconds just reading a quick note of a three-page letter I received just about an hour ago from a lady in Lawrenceville. This is the first letter of its kind I have ever written. Thank you from the bottom of my heart for your remarks on TV regarding the garbage fee. I have lived in my house and own my home for 47 years. My husband past away 27 years ago. I raised three young children. My property tax with insurance is over \$2,000 a year. I realize the garbage fee is a small amount to some people, she said the Mayor's name to be honest with you. But people with bills like I have are just trying to make ends meet, I don't want any charity. I just want the Council to please stop putting the burden on small people and she ends with all I want to do is to be able to live in dignity.

I believe there must be a hidden agenda for \$36 garbage tax whether it is going up to \$100 in two or three years and we are going to spin it off, I don't know what it is. I certainly, I don't know how you can turn down the proposal Ms. McDonald gave. Although I don't know that I would support it in the six months, but it certainly opened the door to look at it and the threat to lay people off. I think is terrible, the timing is terrible, and there is definitely no need for that.

**Mr. Onorato:**

I will be brief, Mr. President. I am sitting here looking at the Operating Budget and we have a total budget of \$316 million. I am not going to start arguing over the revenues because we will never resolve that issue. We could argue now until the next six months. The only time is going to show whose numbers were closer but I don't think that's an issue right now. Out of \$316 million is what I tried to say two days ago is that we are distributing a garbage fee that will generate about \$3 million we are told. That is actually below 1% of the total budget, proposed budget in front of us. So if you reverse those numbers and you look at we are well over 99.2% of the budget we are in agreement on.

The revenue line items that we are agreeing on that it appears that we could some how deal with the disputed about, the .8% that we are talking about. That could be done in many ways, but it doesn't have to be done right away. We will wait to see how far off that number is. My guess it is probably going to be somewhere between what everyone is saying because no number is predicted accurately, some up some low. We will know by June where we are

standing with the numbers. I would hope that we can leave today both sides of the hall and one last plea to avoid the veto because it appears that the votes just aren't there for the garbage fee. There are a lot of agreements that seem to be lost in the discussion here on both sides of the hall and with the rhetoric that has been thrown around. There is a lot of agreement on this budget that is in front of us. That's the point I want to stress. If you are well over 99% of agreement on revenues and expenditures in the budget, to me that is pretty successful when you are dealing with ten independently elected individuals. That's a heck of an accomplishment.

I would also want to touch on another point that got lost unfortunately in this whole debate. That is, Council has sent a very strong message to the City of Pittsburgh and the residents, and we unanimously support it, and I want to thank my colleagues, I know I have been pounding the drum for three months. But this is truly all nine of us. We have made a very significant movement toward the maintenance of the city. I have been pounding those three line items. I kidded last week and called it the triple maintenance crown of clean up in the City. But the people should know that when this budget is passed today, that there is a large increase in demolition of properties, there is a large increase in lot clean up and there is a large clean up in the rodent control. These are line items that effect every neighborhood in the City. This is not earmarked for any one neighborhood; this is not earmarked for any one-community group. These are general generic line items where we put significant dollars and significant as compared to prior years so that the director to these departments can look at the City as a whole and make an impact. Maybe start eating up

into the backlog that we have on homes that should be demolished, on lots that should be cleaned up. I want to thank my colleagues for supporting that. I think it is something that will really show the residents and will have an impact esthetically something we are going to see within a twelve month period because of the impact in the amount of properties we are going to be touching.

I would hope that that doesn't get lost in this debate and that that stays in even after we deal with everything else because I am sure it will be. Once again, I think it is a good budget. I think we met some of the requests half way, especially more than half way if you look at the additional \$5 million we put in with the parking tax. We put our fingerprint on this budget more than we have in the past by saying here is a certain priority that Council wants and that is certain maintenance items. I am ready to move forward, Mr. President.

**Mr. Ricciardi:**

Colleagues, I have a concern today. I believe it is a very real concern and that is that action today by this body can and probably will result in layoffs and a decrease of services to our constituents. That responsibility obviously should not be at these chambers at our feet but should be at the Mayor's feet. I sincerely believe that the words that we are hearing from the administration are not idle threats, but will become reality.

A balanced budget and I think Mr. Cohen has really touched upon that a balanced budget can be argued. Is it a balanced budget, is it not? This body in numbers believes that we have submitted a structurally balanced budget. Mayor Murphy believes that we have not. My fear

is that both sides are digging in and losing sight of the goal and that is the goal is just to run this government as efficiently and effectively as possible. Without arguing the issue because I am sure the administration will argue their side and everyone on this side has argued very eloquently, I believe that we need to see if there is a compromise. It appears that Valerie McDonald has presented one. I presented one last week.

I just read this about five minutes ago. It is a Press Release; it is a statement by Mayor Murphy regarding the '98 budget. It says if City Council reconsiders their vote, I am willing to support a Clean City Trust Fund and a sunset provision on the proposed garbage fee.

I take it what Mayor Murphy is saying here that if we set up a trust fund and the garbage fee tax initiative, the monies will go into that trust fund and only be used for those purposes that we were receptive to at the very beginning and that is cleaning our city, streets sweeping, property maintenance clean up, taking care of our vacant lots, removing snow and ice from the City streets, graffiti removal, litter clean up. I think that is something we can be very receptive to. But what I am pleased to see, it says a sunset provision on the proposed garbage fee. The way I am reading this is if we passed the resolution on Monday and we set up the trust fund and we set up a sunset provision, we initiate the fee for a six month period and then go back and revisit it, then if the funds are coming in the way this body is saying they are, we can always repeal it.

Let me just end and say this, I believe and I am very fearful once again that everyone is digging in and it's going to result in people being hurt. I have dealt with the administration on the living wage. I

believed what they said then they were very adamant on their position and they are just adamant on this position now.

Just in summary, I will respectfully be voting no on this budget not because I am saying it is not balanced, but because I realize the power of the Fifth floor and the Mayor's Office and the power is, and I always say, if we don't put something in the budget, Mayor Murphy then does not have the ability to fill a position or does not have the ability to carry out that service. But if it is in the budget he or she sitting over in that office has the ability not to fill it. To actually say you're laid off, to let that person go, which I think will result also in a decrease in services. Again I am not eloquently supporting or arguing his point of view, I am letting him do that. I really believe that he means what he's saying. If we vote for this, we can attack him, we can make very strong arguments that we did not layoff people, that we did not decrease services. We could dig in, we could do as much as we can to throw the criticism in that office, but in effect people will be losing their jobs and there will be a decrease of services.

I just have that feeling he is going to do it. I am not going to be part and parcel of that plan. I am voting no today on the Operating Budget. I am still open to Monday on the compromise of a Clean City Trust Fund and setting up a sunset provision. Even if the budget passes today, I think if we still go that route on Monday, I think everything will be fine. No matter how you vote today I just hope that five people will consider proposing that initiative, that amendment on Monday. Thank you.

**The Chair:**

I just want to be clear on your comments, if you are not going to vote for the Operating Budget; does that mean we have to take out the committee person position in the Controllers Office that you wanted funded also?

**Mr. Ricciardi:**

Can I respond to that?

**The Chair:**

Yes. I want to be clear how consistent you are going to be.

**Mr. Ricciardi:**

I tried to talk to you about that this morning. However, you just stormed out of the office. Number one, I did not make any commitments to create a job in the City Controllers Office. You can talk to the Controller on that.

**The Chair:**

I have spoken to him.

**Mr. Ricciardi:**

If I may finish. You can talk to the Controller on that and you can see that those discussion were between City Controller Tom Flaherty, Tony Pecora, Sal Sirabella and Mayor Murphy. I was not in anyway apart of those discussions and that has nothing to do with myself. You can throw that on the wall all you want, sir, and that's not going stick.

**The Chair:**

I am for the position. I am glad to see that some one finally appreciates the

hard work of this individual in the Controllers Office, including the Mayor. But I want to explain the politics of what is going on here.

**Mr. Ricciardi:**

My politics is very clear. I was not part of those discussions and the discussions with the Controller. I am looking forward to bringing the Controller into these chambers and we will find out exactly who made what commitment to whom. Thank you.

**Mr. Udin:**

I will be brief, Mr. President. Most of the discussion that we have been having this week starts with the discussion on the numbers and accuracy of the numbers. But my belief is that it has degenerated to an adolescent game of chicken and that's unfortunate. To threaten to layoff City workers just before Christmas is a cruel hoax. It is especially cruel when we look at a \$38 and a half million surplus. It is like someone saying I am not going to feed my children because I don't want to touch my healthy savings account. We are not at a point where it is necessary to layoff City workers.

What we are experiencing here is an effort by the Mayor not to compromise with Council, not to collaborate with Council, but to bully and defeat Council. I am proud of the colleagues who have spoken so far here today, who have stood up for a responsible budget, a reasoned and thoughtful budget, and who promised to stand up even in the face of the threat of vetoes and lay-offs.

I have never seen a communications relationship between Council and the Mayor's office that is as bad as this one. If any New Year's resolution needs to be



made, this Mayor and this Council needs to resolve to provide better collaboration and better leadership in the future. We are using taxpayers money, we are here at the behest of taxpayers and we are not free to be as irresponsible as we have been with the lack of communication, the lack of collaboration, and the kind of threats that are being made using city workers in the process. This is a responsible budget; it's based on not only real trends but historical projections. I am confident that we will be able to look back a year from now with pride at the budget that we passed today. Thank you.

#### **The Chair:**

When it comes to the legal constitution of the City, the Home Rule Charter, the Mayor has certain rights and obligations, responsibilities and that is to propose roughly after the General election to come to the City Council with a proposed budget, a proposal, I stress the word proposal. It is clear in the law of the land of the City of Pittsburgh that the rights and obligations and duties and responsibilities is for this legislative body of City Council to finally approve before year end an appropriate spending plan establishing the priorities and the concerns that we feel need to be funded in order to sustain the basic operating function and core services of City government.

It is clear under the law of this City charter, and the constitution of this City that ultimately must be City Council as elected legislators to help shape and create legislative policy. Whether it be the need for rodent control or cleaning up the vacant lots or how much money should be spent on asphalt or a whole host of different issues, those policy and spending issue are derived legislatively and from Council's power as

district elected legislators in the City of Pittsburgh.

We fully expect that we will have a competent Mayor who will act as the chief executive officer and guide the work force. He hires and fires the work force, that is his job and role and responsibility. Ultimately it is legally City Council's responsibility to decide ultimately on what the budgetary priorities and spending of city government should be. Not only legally for the Operating Budget which is the tax dollars of our City but also the Capital Bond Fund prioritization as well as the Federal \$22 million plus Community Development Block Grant revenue that we take in. It's legally Council's obligation to come up with a spending plan that we hand to the Mayor and we hope that and trust in him and his abilities to appropriately expend those dollars and perform the duties that we elaborated.

When it comes to reason and principle and prudent dialogue with this City Council in the last eight weeks on the budget itself, I would have to say and that the Mayor and his palace guard over there have engaged in pusillanimous neglect for more than eight weeks. This City Council, Councilman Udin in particular is the Finance Chair, myself as Council President, and other leadership on this Council that are heads of large committees involving the larger expenditures of City Government including many of my colleagues who influence major policy decisions on the various authority boards including Councilman Hertzberg on the Urban Redevelopment Authority Board and other Boards that we colleagues are represented on. We have attempted every way and every opportunity in the last eight or nine weeks to try to have some meaningful dialogue with

this administration. Not once has the Mayor or any of his people come over here and either to chose to meet with me or respond to concerns and criticisms or Councilman Udin as the Finance and Budget Chairman. I believe that is the general characteristic of the rest of my colleagues.

It is true that in the last couple of days things have been offered to colleagues in order to wheel and deal on the garage tax. So let's put it out on the table. That all happened within did last two days. Where was the administration and his operatives and the Mayor himself for the last eight weeks that we have spent at that table debating the budgetary priorities.

Now Dr. Miller and I had to laugh at this to be honest with you, the Budget Director Dr. Miller comes to the table, a little over a couple of weeks ago and pounds on his chest about how noble it was for Mayor Murphy to introduce the increase in the parking tax and a new garbage tax, that was so noble and it took political strength, that wasn't noble. It took political strength and it would be noble if the Mayor did that prior to his re-election for Mayor of the City of Pittsburgh. I can tell you one thing right now, we would be swearing in Bob O'Connor for Mayor in 1998 and not Tom Murphy. So if we want to talk about truth and advertising and being noble, then let's put it out on the table. The Mayor ran on a platform absolutely no new taxes, absolutely no tax increases.

Even when I said and I suggested a year ago, I suggested a minor increase in the earned income tax so that that burden would be broadly put on the backs of the younger work force in this City who is concerned about park deterioration and garbage on the streets and empty lots. I suggested that we

actually do what Mr. Ricciardi is pushing now, the idea of a trust fund. I believe that working people despite the fact that it would have been a burden, I think they would have felt strongly about a reasonable minor increase in their income tax. If they knew it was going into a trust fund to specifically be spent on community enrichment and dealing with the kids in our neighborhood and putting people back into those parks buildings that we have all around the City of Pittsburgh. We proposed that. He categorically denied that and did not support that and ran for reelection to the Mayor boasting no new taxes and no tax increases.

Now I am not going to say that the Mayor is a liar but if we are going to talk about being noble, what is noble about waiting until after you are reelected to now stick it to the taxpayers because that is what he is doing here right now. We have an unprecedented \$5 million increase in revenues in the City because of a significant unprecedented 5% increase in the parking tax. When I proposed the increase in the parking tax by one penny, 1%, six years ago in order to deal with the concerns and the rightful aspirations of our retirees, police, fire and municipal pension workers, who deserve some opportunity to help pay their health care benefits, the Post Gazette Editorial Board strung me out to dry. Now they are down there beating their drums for the Mayor and it is five times as much. We know what happened with this budget and if anybody was listening at the table when I talked to Mr. Weir of the Economy League and Dr. Miller it was clear what went on. They submitted a budget low-balling various revenue items in order to tell this Council and the public, you better accept the parking tax increase and you better give me my garbage tax. That in fact is what happened and that was the strategic plan by Mayor

Murphy, Peg McCormick, and others that represent this administration. So let's be clear and for once, can we at least please be honest with the Pittsburgh residents, be honest Tom.

Now when I was a little kid and told lies or told fibs, you know what my mother did, she stuck a bar of soap in my mouth. If I had to buy anything for Tom for Christmas, it is going to be a big bar of soap. When I go through and read this press statement, I added up lies, eight lies, outright lies contained in this press statement and I am going to go through them very briefly. I don't want any lack of confusion on this.

We are on page one. Councilman Cohen spoke about this opening sentence, lie number one. Council has tentatively approved a budget that presents a \$4.2 million problem for our City. First of all, the Mayor and the administration and palace guards' own figure for the last eight weeks was that it was a \$3 million figure. Now all of sudden out of some sense of something I don't know what the arithmetic or the logic here is, for eight weeks we talked about \$3 million because that is what the garbage tax would raise. Now all of a sudden in order to prepare for a press conference and the propaganda machine of the administration, all of a sudden now, the big lie number one is it is \$4.2 million problem.

Lie number two, as I have spoken to members of Council; he didn't speak to me in eight weeks. He hasn't spoken to the Finance Chairman, Mr. Udin. If one thing you can say about Councilman Udin, who sat through every minute, every hour, every second of every budget hearing for the last two years, and if you can say one thing about Councilman Udin and myself and all of us collectively where was the administration

three years ago when we were trying to say along with our Budget Director, Mr. Salac, that we have systemic structural budget problem of \$30 million. It was the Mayor and the administration that said, oh we don't think that is the case. It was this Council that for four years tried to educate this Mayor about the structural real problem of this City budget.

That is clearly lie number two. This imagery that gets created to the public through the media that some how he is taking all of this time out of his busy schedule and is really walking the floor and met and dialogued and discussed issues with Council. Nothing could be further from the truth that is a matter of fact.

Council appears to be poised and turning back the clock and sending the City into downward spiral of spending. Lie number three. If the administration wants to be sincere for once, they themselves because of their own idealism and because of their own arrogance and because of their own lack of experience in collective bargaining matters completely blew the fire arbitration collective bargaining agreement which is going to cost this City six to nine million dollars. Because of their arrogance and Dr. Miller's in particular lack of experience when it comes to collective bargaining, he wouldn't accept the advise of this Council and that is to sit down with President Joe King and the firefighters. The firefighters are our people. They don't want to bankrupt this City. They live in this City. They want those parks buildings to have some people in there. They know we don't just want to end up in an operating City budget with police and fire workers and nobody else to do anything else in the City. Sit down with the Fire Fighters Union and the Leadership—Joe King. No, the Mayor and his typical little

getting his back up, the spoiled child that he is, says absolutely not. I am going to steam roll my way through the collective bargaining process and I am going to stiff arm the Fire Fighters Union. Great. You know what happened? We got stuck with a \$6 to \$9 million bill. You know what happened even worse? This is the Mayor who is supposed to be so on top of his management skills, he signed away his right to even control where fire equipment will be in the City of Pittsburgh and how many pieces of fire equipment. He signed that right away too, which I don't understand where that came from. So not only did he cost us and blow a \$6 to \$9 million hole in the budget, because of his arrogance on collective bargaining matters, he also, which I don't know what he is smoking, he also now signed an agreement with the Fire Fighters Union. He signs an agreement that says I will no longer for the next three years have any power as Mayor of the City of Pittsburgh, the person that we agreed to put in charge as being the Chief Executive Officer of this City, he signs away any right of prerogative to manage the work force as it relates to equipment and location of fire stations around the City of Pittsburgh. Unbelievable.

Lie number four. Since Council has refused to prove a viable recurring revenue source. Tom Murphy, I don't know what a \$5 million increase in parking tax is. If that is not a recurring viable revenue source, I don't know what is. Is the Mayor saying that the \$5 million permanent increase each year that will bring in \$5 million more, 70% of that revenue coming from non-city residents, and as Councilman Onorato pointed out, 30% of that revenue coming from City residents by the way for those colleagues who keep propagandizing this notion that it was an easy political vote. Is that \$5

million, is that not the case that that \$5 million is viable recurring systemic revenue real dollars that the Mayor now has to spend? It is absolutely that pot of money. It is not a whimsical one-time revenue source. It is a significant hit. It is a significant increase in taxes. It is a significant indication that the Mayor was not being truthful when he ran for re-election on a pledge of no tax increases.

Lie number five. He talks about the reductions in the various departments. This administration has said to us consistently that they will not add police to the existing payroll. I don't know where this thing is about laying off police. The administration has said consistently in private sessions to us and at that table that they are not about to increase and put any more police officers on the City of Pittsburgh payroll.

Lie number six. This is half a lie. I promise the voters that we would make every effort to grow the City. I love the fact that the Mayor cuts the ribbons and it is always City Council that gets thrashed to ribbons. The Mayor makes it seem like he is the only one that cares about growing the City. He is the only one that has thought of anything as it relates to development in this City. Unless I am mistaken, it was City Council that consistently upon even day one of his election five years ago day one this City Council agreed to take \$7 million out of the Regional Asset District Revenue pot of money. We could have done community enrichment. We could have put people back into the Parks buildings. All kinds of things that we knew and being pressured to prioritize that we would like to have seen. Or we could even have created a revenue fund, a pot of money to help shore up the systemic budget deficit, \$7 million a year that is real permanent money.

We decided based on the influence and the leadership and suggestions of Mayor Murphy we said no. Let's accept the discipline. Let's give the Mayor this pot of money of \$7 million so he can go out and float a bond so we can create a pot of money of \$60 million at the URA for an economic development growth fund. So instead of taking tax dollars, and deal with the real budget problems, five years ago, four years ago, every year, we gave the Mayor and the URA a special pot of money. I voted for that and every colleague here gave away that money because we believed and wanted to be partners in growing this City. Other than quantifying the tax increment financing Christmas bag that the Mayor also has and it is playing Santa often times, I don't know that we necessarily needed to forego revenues for ALCOA corporation of America one of the most wealthiest corporations in the Country and the world. Did we really have to bale them out; did they really need a TIF in order to remain here as a corporate headquarters? I don't think so. Not compared to other TIF proposals that we did that were more marginally questionable in terms of whether or not they were going to be economically viable.

There is some truth to Commissioner Dunn's comments, and Mr. Lucchino at the County level and others from the Community Development Corporation level about how we have failed to prioritize the TIF. The TIF has become just something we pull out of the hat because once you have created it, anybody who is going to do development in the significant way in the City is going to want theirs too. Paul Kossman didn't need a TIF to do the proposal in Oakland, and we know it. Now we took care of him, Mayor, and we joined with you to do that and we have done it eight

times now on TIFs. We did it on creating the economic development fund; we did it on Washington's Landing. I have been to Washington's Landing once. I don't even know if it has any impact on my Council District, but I believe that it is important to create income levels in this City and provide equally for new housing opportunities for people who need a low and moderate income housing. I also think we need to have housing opportunities that younger professionals and other income groups want. So yes, I decided yes I will take some money out of Lawrenceville and I will support Nine Mile Run housing and I will support upscale housing in the South Side outside of my district. I will support Washington's Landing and fifteen other things that this Council has proposed.

So, Tom, when you put a press release out that talks about growing the City, let's get rid of the ego here in the I and start using the word we. Because it is this City Council and I go up and down the roll here leadership from each colleague that has brought good development to the table. This Council has consistently supported good development. That is all we have asked. That is all we have asked. I know he is going to veto that bill too. That is final Capital Budget on Community Development Block Grant. We have given him everything he has wanted including Lazarus and I can name every single project. We asked for reprioritization of just a couple of million dollars in order to create better partnerships with Community Development Groups at the neighborhood level, the streets and the districts that I represent on Butler Street or Liberty Avenue or on Polish Hill. We said let's at least provide some additional revenues and resources so that these groups that are doing the in your face housing and commercial development at the grassroots

level, we wanted some balance. We don't want a tale of two cities in this City of Pittsburgh. We don't want the Emerald City downtown and not have an Emerald City down on Liberty Avenue in Bloomfield or on Brareton Street in Polish Hill, or on Butler Street in the tenth ward. I want to grow the City at the grassroots level on those business districts and in those homes and communities as much as I want to have upscale lofts downtown and in the City of Pittsburgh. I resent the fact that the Mayor although it is not part of his press release is poised to also veto our re-appropriation of some of the budgetary items in order to sustain community development initiatives.

Lie number seven, half a lie at least. He says we are being irresponsible. Even though as Councilman Cohen and others have pointed out in addition to having a balanced budget, we have left him a safety account, a piggy bank of \$38 million plus. That is not counting the host fee of ALCOSAN and that is not counting a whole bunch of other revenue sources that this Council is still trying to work with the administration and we will work with them even if they don't want to work with us. We will work with them and we will show some additional revenues none of which we have budgeted in this budget. We have not touched or suggested anything iffy we did not put into this budget. We only dealt realistically with real revenues. It was not a guessing game, ladies and gentlemen.

One thing you know about revenues is you have a track record. Anything that we change in the revenue line item by parking and amusement tax we went back and did a systematic review of the actual revenues for 1997 and 1996. We didn't go back to 1991, but that would not be statistically appropriate. So to characterize our budget is

just whimsically increasing revenues, is just not the case. Anything that we changed, in fact the administration didn't even want to admit to the fact that they made even calculation and arithmetic errors in the budget. They couldn't even get that past their throat. The fact that there were glaring errors. So we happen to just take that money and re-budget it. But they weren't even honest and didn't have enough integrity at the table to at least credit the Budget Office, Mr. Salac and Mr. Crawford and others, with at least finding an error in the budget that actually created a more appropriate revenue source.

As far as playgrounds, if it was not for this City Council, and if it was not for the Mayor wanting to try to get re-elected a Mayor that is growing more and more unpopular among City voters, let's be honest. That is evidenced by Mr. O'Connor's vote. If it wasn't for the fact that Councilman Cohen and every other Council member and the community groups have been hammering away for the last three years on the deteriorating state of our playgrounds. If it was not for the fact that the Mayor faced re-election, we would not be able to be out there cutting ribbons prior to this past election in order to have those new playgrounds.

So, Mayor, when you put a Press Release out, could you let people know that City Council also was a key player and operative in coming up with money for prioritizing playgrounds.

Lie number eight is this slickster move to create this Clean City Trust Fund. The Mayor stood up here when he gave his annual budget address, lie number eight. He said I need this garbage tax revenue because I am going to clean up more graffiti. He cut

people out of the budget to clean graffiti. He said I am going to clean up more streets, he reduced the amount of money to do streets. He said I am going to clean up vacant lots, so we can get rid of abandoned properties, he completely cut out the \$50,000 and the Finance Department that PCRG and others do development in terms of acquiring vacant side lots. I mean it is so incredulous this lie I could speak for another hour about how blatant and bold that lie is. So again, it is a great Press Release, the palace guards did their job, the propaganda machine, the Post Gazette Editorial Board will be at work tomorrow, but here is the truth in the press release. On the budget itself, I support it. Thank you.

Any other discussion?

Roll call vote on all the budgeted matters.

We have three votes here today, one is on the Operating Salary, the Operating Non-Salary, the third resolution before us is the amended resolution regarding the expenditures of Community Development Block Grant and the City's Operating Bond Fund.

Roll call vote if there is no other discussion.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Udin
	Mr. Ferlo
	(Pres't)

**(Mr. Ricciardi voted noe on Bill 2603)**

**The Chair:**

The balanced budgets that Council have approved are now and finally adopted. If the Mayor vetoes, I would ask to at least try to do that over the weekend so that we can take it up on Monday. If not, then I will have to call a Special Session for the 29th of December to deal with any over ride of any veto.

Any other matters before I ask Councilman Udin to come forward as Chairman of Finance and Budget to thank the staff and to have any final comments on the budget process and the document itself? Any other comments?

At this time I would like to ask that Councilman Udin come forward as Chairman of Finance and Budget for closing comments. Following that, I will close out the meeting.

**Mr. Udin:**

First of all I want to give thanks to the hard work that has been put into this budget by every single member of Council. I have never seen Council get more involved in the budget. I haven't been here that long, but for the time I have been here through working for Councilman Maliance and working as the Finance Chair for last two terms, this Council took this budget seriously and delved into it and all the other fiscal documents that we could find to give substance to the decisions we were making made reasonable and thoughtful decisions collaborated with each other, compromised. That's what politics really is, it's the art of compromise. You don't get everything you want. You come up with your best idea.

You try to work with colleagues to come up with some consensus and you settle for what seems to be the best in the best interest of the people that we represent. That's what the members of this Council did in this budget.

Council takes a lot of credit for a lot of the work that the staffs in our offices behind us do. I want to thank the staff members of all the members of Council and my office as well for the work that you have been putting in these last few weeks and developing this budget. You guys did a real standup job and it's very much appreciated. But I think special accommodation is necessary for the work of the Council Budget Office and the City Clerks Office. The amendments that were flying around these last days, somehow Linda Johnson-Wasler and her office was able to keep track of them. I don't know how. I couldn't even keep track of my own amendments, they kept track of them, they kept us on course. Chuck Crawford and Mary Jane Erdel in the Budget Council Office have been working night and day trying to accommodate the needs and requests of each of the members of Council and have not complained at all.

Kurt Salac took a lot of flack in these discussions these last few days, but Kurt Salac in my opinion is a real hero in this City. His honest, non-political, he wouldn't even get political with us. He's totally unpolitical, he's totally professional and his watch dogging of the budget and all the other analysis that were made is what allowed this Council to be able to have confidence even as much as we disagreed with each other, the broad spectrum of views allowed us to have confidence in the budget that we are putting forward. Kurt Salac, thank you. I really appreciate your work. I really appreciate your work.

When we finish the budget for this year, we have regardless of how the final outcome is, whether the Mayor decides to continue to carry through on his game of chicken or by laying off workers or not, we still have some very serious work for 1998 and beyond. The City residents have to be engaged in some very difficult choices. We have to educate the City as to the condition of this budget and the City's fiscal condition so they can help us make the decisions because they're going to be very very difficult decisions that we have to make. The tax structure of the City has to be attacked by this Council with seriousness in 1998. The whole tax structure, not just this tax or this tax or this fee or that fee, we need a comprehensive approach to how we generate revenue in the City and what expenditures we will be in the business of in 1998 and beyond.

The Community Development Block Grant Budget requires serious examination. I think we have developed a pattern of the misuse of community development block grant funds to displace operating costs and to displace capital costs at the expense of revenues that should be going for community development to low and moderate communities.

The Safety Net Programs and the way we fund Safety Net Programs in this City is the most unorganized, chaotic method that I have ever seen. The problems for people of our City is going to increase as the Welfare Reform laws that have been passed begin to take effect. There are going to be more people who are on the edge who are going to be in crises, hunger, homelessness, joblessness. If we don't find a more coordinated organized way of assessing the size of the problem,



determining the priorities and finding channels to meet those needs, we are going to be in trouble in this City and the way that we do it now is chaotic, and I think ineffective. I hope that we will look at new ways of doing it for next year.

So again, thank you to the staff, especially all the staff in my office. I always forget to call their names, Ran Mitra, Darlene Gainey, Ebony McKinney, Tina Jones. Thank you all very much and the community. If it had a not been for the community groups putting as much time into the study of the budget and coming up with constructive alternatives, we would not have been able to present some of the intelligent approaches that we have presented in this budget for approaching very difficult problems. So again, thank you, Mr. President, for your support and for your appointment, and I look forward to working with all my colleagues next year. Thank you.

**Mr. Ricciardi:**

I would like to take this opportunity to thank our Budget Finance Chair, Mr. Sala Udin, for all of his hard work and his leadership on this budget. He was anchor in all these deliberations. As you stated, he was there every minute of the day. Thank you.

**The Chair:**

Thank you so much. If there is no other matter to be brought before the body, if there is no objection from any colleagues, I would like send a letter to all of the Union representatives that are on the City Work force, the joint collective bargaining, AFSCME, the Teamsters, the Laborers'

Union representatives, the police, the fire, the paramedics, the municipal workers and anybody else who may be effected. Let them know that we stand solidly behind them that we will do whatever we need to do within our power including supporting any collective bargaining and/or court actions in order to follow through with our commitment on the budget. We will send that information along. Obviously, I know my colleagues will be available to meet with any Union leadership. We are in this together and we support them wholeheartedly.

**MR. O'CONNOR** seconded the motion on the position.

Which motion prevailed.

**The Chair:**

This legislative special session now stands adjourned. Thank you very much.

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## MUNICIPAL RECORD

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER..... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Monday, December 22, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

#### The Chair:

Happy holidays and good morning to everybody. We have a lot of special guests in the audience today. I want to especially welcome all the representatives from various schools throughout the City of Pittsburgh who are part of Project Safe Summer as well as many volunteers. Many of you out in the audience who were nice enough to help contribute and supply resources, financial to help make the success of Safe Summer as well some of my other colleagues have guests here this morning.

At this time would you all please rise

for the pledge of allegiance and please remain standing for a moment of silent prayer so we may have peace through out the world.

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

#### The Chair:

Thank you. Ladies and gentlemen, we are going to be recessing this Legislative Session at 11:00 a.m. this morning. We have a special joint press conference with Mayor Murphy so we are clear on what our agreements are relative to the 1998 Operating Budget. I am pleased to announce due to the cooperation and collective good will of the Mayor as well the Council; we have come to a clear principal agreement regarding the Operating Budget for 1998. We want to make sure we send a clear message to our employees and to the public. So we are going to be recessing this meeting for a joint press conference in the Honorable Tom Murphy's chamber.

#### PRESENTATIONS

At this time I would ask the representatives from the various schools throughout the City that were part of Project Safe Summer to please come forward. As well as the many volunteers that are here today and as well many of the financial contributors to the project. All come forward and Mr. Craig Straw from the Law

Department, previously in my office come forward who helped to coordinate Project Safe Summer. If Yarone Zober who is now in my office, could come forward with the rest of the proclamations, in case we get some of the additional volunteers.

All of my colleagues are very helpful in this process. I want to ask also Councilman Onorato to come up and say a few words. His office, especially Dorry Lang worked so hard to make this project successful. I asked her to come up, but I think she is bashful and Bill Peduto from Councilman Cohen's office. Really every Council colleague helped pitch in with their staff at one level or another. So we have a good group shot here. I am going to read the following proclamation.

I don't know if you have seen our new proclamation, you are the beneficiaries of our newest proclamation format here. In order to be more cost effective here, and I think to be more esthetically pleasing, we got rid of the wooden plaques and went to the black and gold, which is the colors of the City of Champions, the Corporate City Seal hear. So I am pleased to read the following proclamation on behalf of my colleagues.

#### **THE CHAIR PRESENTS:**

No. 2682 WHEREAS, in 1995 City Council President Jim Ferlo launched a city-wide "Project Safe Summer" initiative designed to promote the awareness of bicycle safety and the need for children to wear safety helmets for bicycling and in-line skating; and

WHEREAS, in 1997 "Project Safe Summer" was responsible for distributing free bicycle safety helmets to 11,000 Pittsburgh school

children and teaching these same children about the importance of bicycle safety; and

WHEREAS the success of Project Safe Summer in 1997 was due to the efforts of the local hospitals, foundations, and businesses that supported the program, the time and talents of the staffs and PTOs of the 22 participating schools, and the hard work and dedication of the many volunteers involved;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby thank the following Project Safe Summer '97 sponsors for their generous financial support: the Alcoa Foundation, Allegheny Center Associates, Allegheny General Hospital, Allegheny Valley Bank of Pittsburgh, Associated Cleaning Consultants and Services, Inc., the Boys and Girls Club Teen Council 2000, Buhl Foundation, Buncher, Co., Children's Hospital of Pittsburgh, Eat 'N Park Restaurants, Equitable Gas, Family Practice Medical Associates, Forest City Management, Inc., Frank Doerr Truck Equipment, the Gustine Company, the Heinz Family Foundation, Heinz USA, the Howard and Nell E. Miller Foundation, the Jewish HealthCare Fund, Mascaro, Inc., Mellon Bank, Mistick Construction, National City Bank, the Neville Ice Arena, P.A.C.E., Pittsburgh Fire Fighter Local No. 1, Pittsburgh Mercy Health Systems, Radman and Associates, Inc., Shadyside Hospital, Simmons Business Systems, the Stevens Elementary PTO, West Penn Hospital, UPMC South Side, the Western PA Wheelmen, LTD, and the Pittsburgh City Council; and

BE IT FURTHER RESOLVED, that the Council also wishes to commend and applaud the hard work and dedication of the staffs and PTOs of all of the schools that

participated in Project Safe Summer '97: Arlington, Chatham, Concord, Fort Pitt, Fulton, Homewood Montessori, Horace Mann, Immaculate Conception, Liberty, Martin Luther King, McCleary, Miller, Morningside, Morrow, Northview Heights, Phillips, Prince of Peace, Spring Hill, St. Peter Parish, Stevens, Sunnyside, and Whittier Elementary Schools.

BE IT FURTHER RESOLVED, that the Council would also like to thank the many volunteers whose time and talents played an integral part in the success of Project Safe Summer '97 and give special recognition to the hard work, talent, and outstanding commitment of Mr. Craig Straw, Esq., coordinator of Project Safe Summer.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

#### **The Chair:**

Thank you very much. Let's give these folks a big hand. First, I want to thank all of my colleagues for their help especially Councilman Onorato who really took the task and the plea here for financial assistance. We raised close to \$45,000 in order to buy 11,000 bike safety helmets. A helmet that on the shelf of an Ames or a K-Mart goes for \$25 to \$35, it was an excellent helmet. It was more importantly a great program because not only did the child benefit from having the free available bike safety helmet, but more importantly this wasn't just let's give this kid a helmet. We put the young children with the help of the teachers and the PTO and many volunteers and hospital personnel, we went a through

several step educational protocol. So the young people would not only know the fact that there is now a Pennsylvania State Law but more importantly that they need to wear the helmet. So we produced an excellent video at the help of the trauma folks from Allegheny General Hospital and all the other participating hospital head trauma expertise and staff available for educational protocol that we did. It was a little bit of a hectic job and I do want to personally thank Craig Straw who is stuck in the back there because it is always a nightmare. We kept waiting for big tractors trailers full of bike helmets to arrive sometimes they did sometimes they didn't. It was a real nightmare.

I do want to thank Councilman Onorato and my other colleagues and their staff for pitching in and helping to physically pick up and deliver thousands of bike helmets throughout the school system. We want to thank the many volunteers, the parents that came out especially down to their neighborhood grade school the day we did the helmet program. We want to thank especially all the financial contributors. Its always hard this being the third year, I think we have raised about \$150,000 so far for bike helmets and have impacted significantly a large number of young children.

Unfortunately you still see a situation where kids today whether they are on bikes or in-line skates or regardless of the law and regardless of this good project, it still ultimately comes down to when someone spends \$100 to \$200 buying their child a bike they got to spend another \$20 to \$25 and buy a bike safety helmet that's approved. So if there is a message today back to parents or guardians or others including young people themselves, you are going to spend the money on the bike, spend the extra

few bucks on the bike safety helmets. It is not only the law, but more importantly it makes a lot of good sense.

We are pleased and we are excited to have these many volunteers down here today. I wish I could ask that every one of you come up forward and make a comment about your experience but we have financial contributors here and we always beg, borrow and steal and appreciate their leadership. We want to thank all the principals that are here and school staff and the many parent volunteers that came down to help.

I wanted to ask Councilman Onorato and Mr. Straw to make a few comments and maybe some of the kids or some of the schools or some of the foundation folks want to have a brief comment, we welcome you here.

**Mr. Onorato:**

Real brief, I just want to congratulate Councilman Ferlo on creating this program. It's a great success and I think it was a program that once we do it seems so simple but he came up with the idea that really has an impact on a lot of the young people in the City. It is one of those things where you really can't measure how many kids did not get hurt, but everything we hear from the doctors and emergency rooms this has had a tremendous impact.

I want to thank the contributors on the North Side that I called. I want to once again thank Dorry Lang and Lynn Bonenberger who actually went out and fitted the helmets at the schools. I used to enjoy hearing the stories when they would come back from the students. But more importantly, I want to thank the schools for participating too and the kids for

understanding the importance and wearing those helmets. I also want to thank Evelyn Neiser, a School Board Director who is standing in the crowd. She's always eager to cooperate when it comes to benefiting the kids. I want to thank you for being here today too.

**Mr. Straw:**

I will keep my comments short. I want to applaud everyone for their tremendous efforts in this project. Without the combined efforts of Council, Council staff, the schools, the contributors, the corporations, the institutions who backed this, it would not have been possible. I think it is going to make a tremendous impact on the lives of many of the children in the City. I would like to thank everyone. Thank you.

**Ms. Neiser:**

Let me just begin by saying Happy Holidays to all of you. We are very happy to be here today with all these young people. We thank all of those of you who have been involved to make it a much safer summer and make our neighborhoods much safer with all these youngsters wearing their helmets. It is people like you who help people like us, we're the educators, and your the ones who also keep them safe. We thank you very much.

**The Chair:**

Thank you. I have my neighbor Rose up here. Let's get her on the spot. She is the new Parent Representative President at the Fulton School. She is my neighbor and she has helped a lot with the helmet project. What was your experience, Rose?

**Ms. Barbieri:**

Happy holidays, first. Mr. Ferlo put me on the spot, but we thank City Council and we thank Mr. Ferlo because it's safe to keep our kids safe especially riding bikes. I teach my kids all the time you have that helmet you put it on because that's safety. We thank you very much from Fulton School.

**The Chair:**

Maybe we could get some of the other folks up here. We would like to at some point have one of the kids come up.

**Ms. Armstrong:**

I am Diane Armstrong from Morningside, the Principal. I do want to thank everyone who is involved and letting us be part of this program. They don't just give helmets, they teach the kids the importance of what a helmet means, what happens if you do get injured, they had people who would explain brain injury. They also had people in to explain hand signals and the safety of how to use a bike and also to maintain the bike. I think it is a wonderful program and I hope it continues. We appreciate all the support from corporations also, thank you.

**The Chair:**

Thank you. I think we scared a lot of these young people. The thought that they would have to come up here and make a speech. Did you all get a helmet? Are you from one of the schools that got a helmet? You want to say a few words about the need to wear a helmet? We want to wish you a Happy Holidays and a Merry Christmas.

**Mr. Cohen:**

I want to thank everybody for participating in this project. But there really is one person who took the lead on this project and that is Council President Jim Ferlo. Jim, when you put your mind to something, you can be dangerous. In this case, when you put your mind to something to eliminate danger and you really were incredible aggressive in putting this coalition together and being able to raise the money and I get an educational program out and get the helmets. We had no choice but to go along with it, and I am glad we did. Thank you all for coming down.

**Mr. Hertzberg:**

I want to thank you, Council President Ferlo very much also. Particularly in Council District two at Thadius Steven School. I thank him for all the assistance there and through out the City. I am sure the young people that have come in here today all wear their helmets when they go biking. Thank you, Mr. President.

**Ms. McDonald:**

Yes and to Councilman Cohen, let me add a correction. Councilman Ferlo is dangerous even when he doesn't put his mind to it, no matter what. But I want to commend Councilman Ferlo. I want to add this opinion, I don't think this project has gotten enough positive press. It is an excellent program.

Councilman Ferlo involved me with in Homewood Montessori School and I went there and as the principal had said, it's more than just receive a helmet. They don't just give the box to the kid. They show a film, they teach, I answered some questions. I had dialogue with the children there. I love

doing that though that's not really a chore, that's fun and after that putting those helmets on. It was a big deal. I mean you had to fit the kids with the helmets, there were three or four sizes.

The kids they wanted this helmet. You say no you can't have that one, you have to have this one because it fits your head and the braids on the top of the heads and trying to get -- it was more than a notion and I want all Council people to be in schools to do this so you can see what these teachers have to go through. It was quite enjoyable and thousands and thousands of dollars and the positive press. I just wish there was absolutely more of it. It was a definitely a proactive way of protecting the citizens because children are citizens of the City of Pittsburgh. I commend Councilman Ferlo.

**Mr. O'Connor:**

You will never know who you will help. I guess we will never know how many kids are safe and actually to be honest with you I never wore a helmet until you started the program. I had to convince my young son to wear it and we set a good example. So, I wear mine all the time and he's wearing his. I do notice all over the City very seldom you see a child without a helmet. I think not only do you give so many helmets out, but I think you really created an awareness for it. I want to commend you.

**The Chair:**

We try to learn from the experience. I think when you look at the recycling initiative around the Country and in Pittsburgh as well as no smoking it seems like we have had more success working with the grade school kids who go home and educate the parents. I think that is true about

recycling and the environment, it has been true about smoking hazards and we try to apply the same principle to bike helmets.

**Mr. Udin:**

I also want to commend you, Council President, for your unselfish approach to a very important effort to protect the most valuable resources that we have and that is our children. You also opened it up for the full participation of other Council members and volunteers and supporters and parents and everyone and that's the way that public service ought to be rendered and I appreciate your setting an example for us.

**The Chair:**

I appreciate the staff that plugged a way and do a lot of the work. I know some of the Boys and Girls Club are still in the audience, they are welcome to come up. I guess they are being bashful today.

I don't know if any of the contributors or hospitals or any other representatives would like to say a few words, but again we want to thank you. We can't do these kinds of projects without the financial commitment. I know some people gave \$5,000 and some people gave \$500 but every contribution and this is one of those cost effective programs, every dollar that was raised over 40 something thousands dollars only went in to the purchase of the actual helmet. We are actually the largest single purchaser of bike safety helmets in the Common Wealth of Pennsylvania that come in on tractor trailers when we buy. As a result, we are able to get a \$30 helmet for \$6.50 actually this year. It is a beautiful helmet and it's a great helmet.

We could not have done it without

the financial help of all the institutions. We really want to thank you and stay tuned; we are trying to do some more advocacy work this year with Project Safe Summer. We want to try to enlist the billboard companies, public service announcements from local radio and television. So we are also trying to have new spin this year. We also want to work with the University community the grad school, public health and other researchers to start doing an analysis of the law that's been in effect now for three-half years, the educational programs that have been going on with the counties Safe Kids Coalition, this project to see what kind of measurable impact we have had at hospital emergency rooms and alike before we go back out to the foundation community again.

Thank you all very much and Craig Straw especially for all your work and all the headaches you have put up with for the last year working in my office and helping to coordinate Project Safe Summer. With that, we want to make sure you have a safe, happy holiday. Thank you for coming down today.

**Mr. Cohen:**

Would Muzzy Meyers, family and friends please come up to the podium? Members of Council and members of the audience, we are here to pay farewell to a Shady Side landmark which has really become a Pittsburgh landmark, and that is the Balcony Restaurant on Walnut Street in Shady Side.

I present this proclamation with mixed feelings because on the one hand obviously we want to honor an institution, really an institution that not only provided good food but good music and a good place for people to hang out, but at the same time the Balcony is closing.

I pleaded with Muzz I said please don't do it, but I guess after 17 years of hard work he deserves a rest. With that I would like to read the proclamation.

**MR. COHEN PRESENTS:**

No. 2683 WHEREAS, for the past seventeen years, The Balcony in Shadyside has been a Pittsburgh landmark which has not only served good food, but also has provided a central meeting place and an important stage for live music; and

WHEREAS, Richard "Muzzy" Meyers has owned and operated The Balcony for all seventeen of those years; and

WHEREAS, to all of his employees through the years Muzzy has been much more than their employer, he has been their friend; and

WHEREAS, The Balcony has showcased Pittsburgh's greatest jazz talents performing weekly with the Balcony Big Band and has provided children and adults with an introduction to jazz with Pittsburgh's own Joe Negri and Jazz for Juniors; and

WHEREAS, through Muzzy's guidance several entrepreneurs have created businesses in Pittsburgh including Sweet Basil, Buffalo Blues, Pittsburgh Deli Company, Wheel Deliver, The Attic and others; and

WHEREAS, for seventeen years Muzzy has given unselfishly of himself and the Balcony to help the community and organizations like Cystic Fibrosis, Forbes Hospice, St Peter Child Development,



Pittsburgh Aids Task Force, Hosanna House and others.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Richard "Muzzy" Meyers for his contributions and dedication to the Shady Side and Pittsburgh communities and declares today, December 22, 1997 "Richard "Muzzy" Meyers and The Balcony Day" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Cohen:

Let's give a round of applause for the Balcony. Muzzy, before I call you up here, I am going to ask for some of your friends and family to come up here. I would first of all like to thank Bill Peduto in my office who drafted this resolution and helped to bring people down. I think you could probably make the case that Bill spends more time on Walnut Street, especially late at night, than anybody else.

We have here with Muzzy his lovely wife, Michelle, his three cute kids, Luke, Carrie and Sanya. We have his partner who also deserves a lot of recognition that is Bob Feldman. Let's hear a round of applause for Bob Feldman. We have Elly Woods who is Michelle's mother thanks for coming down. Bob Schlesinger who is the President of the Shady Side Action Coalition, Rod Schwartz from Hot Licks. As many of you know the Balcony and Hot Licks are linked together. Pat Root who is with Cystic Fibrosis. Pat, we want you among others to say a few

things. Muzzy also organized the Walnut Street Jam every summer that gives its proceeds to Cystic Fibrosis and also Steve Bland who is I am happy to say with the Mayor's Economic Development Office and is a good friend of Muzzy. Let's begin with Bob Feldman, come up and say a few words.

Mr. Feldman:

Ladies and gentlemen, I am here to help honor not only the greatest friend anyone could have in the world, but one of Pittsburgh's greatest unsung heroes. Muzz came into the restaurant business to help me get started and as such began a precedent that would see him help so many people.

The most visible examples of Muzz's giving are the almost too numerous to mention charity events that he donated to, the Purset Center, the Pittsburgh Aged Task Force, the Cronos Colitis Foundation, the Forbes Hospice, Cystic Fibrosis, the Center for the Art, shelters of Wilkinsburg, the list is endless. Resulting in merely \$500,000 worth of help to our community over the past 17 years. How about the musicians who knew they could count on a steady gig from Muzz.

Early on Muzz made a commitment to stick with quality music and Pittsburgh will miss the place of great jazz. How about the customers who new Muzz would be there to make sure everything was right. He as always there to help anyone in need, whether it was driving home an overly zealous partier, delivering marriage proposals or giving someone son or daughter a summer job. But mostly Muzz's gift of giving was felt much more by the all the people whose lives he touched while running the restaurant, the employees who learned about quality and respect, who knew

that if they needed help he would be there, whether it was rides home late at night or all over town to teaching some one to read, to offering emotional or physical and financial support in times of the need.

The Balcony has been a very special place to me over the years with many employees still there after ten or 15 years of service. With many members of the Balcony family still recalling their years on Walnut Street as one of the best experiences of their careers. In my mind, Muzz has really been Pittsburgh's dream business man dedicated to the community, his staff and his customers and to me he is a dream friend. Thank you.

**Mr. Cohen:**

Thank you Bob. You may remember a few years ago the residents and merchants of Shady Side didn't get along all that well. Well, things have changed and there is harmony in the neighborhood. Coming up to prove that at least with respect to the Balcony is M.D. Bob Schlesinger, the President of the Shady Side Action Coalition.

**Mr. Schlesinger:**

Thank you, Councilman Cohen. For the Shady Side Action Coalition I certainly want to thank Muzzy Meyers, his partner, his family and all the support he got for the wonderful work he's done through all these years for Walnut Street and Shady Side in general. He's been an anchor and personally, let's put it that way, it was always a nice place to go, good food, pleasant staff and we always enjoyed ourselves at the Balcony.

We will miss it, but I have lived in Shady Side a long, long time seen a lot of

changes and this is one I didn't want to see but anyhow thank you Muzzy for your years of service and good will. Thank you.

**Mr. Cohen:**

I mentioned Pat Root from Cystic Fibrosis Foundation, would you say a few words please?

**Ms. Root:**

Thank you, Councilman Cohen. I am privileged and pleased to be here to address this group this morning. I am quite surprised that you were able to get Muzz and his family out here. It is really the type of person that Muzz is, anyone that really knows him, he's a behind the scenes kind of guy and most of the greatest contributions that he has made, have indeed been behind the scenes.

I am here to represent the faces of the smaller children and young adults who Muzz and his family and also his team of workers and staff at the Balcony Restaurant have so quietly supported for so many years and in an event called the Balcony Jam on Walnut. This event benefiting the Cystic Fibrosis Foundation has contributed immensely to our growth and our efforts in the research field behind Cystic Fibrosis for so many years.

Every year, as the group gathered and the street of Walnut was shut down, it came as no surprise when the last note was played and the crowd went home energized by the talents of the musicians and the rock group that gathered there as well as the children's Jazz Program. Little did the people know how much was being done for Cystic Fibrosis and the young faces there.

But when it was all said and done after four years of putting on this tremendous event in a total volunteer effort, over \$50,000 was raised for Cystic Fibrosis here which is generated and then applied to the research which has done so much to strengthen our children and keep them in a holding pattern until as many of you know the final book in chapter will be written on Cystic Fibrosis.

Were it not for Muzz and his fine staff and his tremendous family who always came out quietly but energetically to support our effort we would not be where we are today. So it is with a great deal of sadness that I do wish Muzz and his staff tremendous luck in the future and also tell you Muzz that you always be a member of our team, Team CF.

I have a small token of our appreciation for you today. I hope you will keep it on your desk where ever that may be. It is a member of our official Team CF over the Western Pennsylvania Chapter just a small paperweight, but something to remember us all by. Hopefully, always remain a friend to us in the Cystic Fibrosis Foundation. Thank you very much.

**Mr. Cohen:**

I want to thank Steve Bland again real quickly because he helped organize this proclamation as well. I know Muzzy Myers well enough to know that he is in some pain right now and does not enjoy this.

You are absolutely right, Pat, it took some arm twisting to get you down here Muzz. I am glad that you did because you deserve this and you know it is not just somebody who makes a contribution through a big splash, but who does it year in

and year out and who provides a good product and at the same time contributes to the community. For that, congratulations.

**Mr. Meyers:**

Thank you. I just want to thank every body. It's been almost 18 great years and everything that everybody talked about, I did with joy in my heart. The Balcony is certainly a team effort. I am here but I did not do any of this alone, Bob Feldman, Paul Kraus, my chef, Bob McGrogan, Rod Schwartz is here and Rod is going to represent all the hundreds of people that work for me that put their heart and sole into the Balcony. I thank you all and it's been great. Thanks.

**Mr. Udin:**

Actually, I think we might be breaking the law here, I think there is a historic preservation law that may not allow the Balcony to be closed. But I am going to miss aside from the promotion of my favorite music, jazz; I am going to miss the lobster fests. That's the only place I have ever been in my life where you can eat all the lobster you can eat for \$26 bucks.

I want to encourage you to keep your spirit of giving and contribution to the community available even after the Balcony is gone because as a community we need you and we thank you very much.

**The Chair:**

Thank you all for your hard work.

**Mr. Hertzberg:**

We are getting very near to the 100th Anniversary of Saint Mary of the Mount

Church. The building itself and 125 years since the actual founding of that parish, and we are privileged to have with us Father Louis Vallone who is no stranger to Council Chamber. I think we had several discussions with him at Council chambers. He volunteers in a number of city activities including a seat on our Human Relations Commission and he is here today to give us some words.

**MR. HERTZBERG PRESENTS:**

No. 2684 WHEREAS, on Sunday, December 28, 1997, Saint Mary of the Mount Parish will celebrate the 100<sup>th</sup> anniversary of the construction and dedication of the church building at 403 Grandview Avenue; and

WHEREAS, Saint Mary of the Mount Parish is beginning a year long celebration of the dedication of the church building and the 125<sup>th</sup> anniversary of the founding of the parish; and

WHEREAS, Saint Mary of the Mount parishioners have contributed greatly to the community of Mount Washington and the City of Pittsburgh; and

WHEREAS, Saint Mary of the Mount Parishioners continue to play a very active role in their parish and community;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh congratulates Saint Mary of the Mount Parish and declares Sunday, December 28, 1997 as Saint Mary of the Mount Day in Pittsburgh.

**MR. ONORATO** moved to adopt the resolution.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

Before I bring Father Vallone up to say a few words, I want to complement Father Vallone. He is the only one here he tells me everyone else from the parish is now decorating for this celebration on the 28th.

But Father Vallone over the last few years under his stewardship the church building itself has been totally renovated and it is now a very fitting facility for its location in that key place on Grandview Avenue where we could all see it from down below. But if you go up there, go inside the church itself and visit it, you'll see it's a beautiful place and of course Father has his regular Sunday Sermons and they are very interesting. I welcome all to attend. I think you will really enjoy it.

**Father Vallone:**

There is a line in Judaic scripture that is repeated in the Christian new testament and again in the Holy Coran of Islam, it says I lift my eyes to the mountains from whence my help comes. It is instinctual for human beings when they need aide to look up and for 100 years in the City of Pittsburgh, when anybody looked up, they look up to the Mount Washington and they see Saint Mary of the Mount Church.

Although that building belongs to one particular denomination of one particular religion, namely Roman Catholicism we are aware of our obligation to all the citizens of this City to be a physical sign of hope and spirituality to one and all. There are many ethnic groups that make up

our great City. Most of them have in their language a salutation, in polish it's stolats, in Italian it's gendoni in Aerobic Zoctan, it means may you have a hundred years.

St. Mary of the Mount is grateful that it has had its first hundred years and we pledge this City for the next hundred to keep spiritual wash over one and all of you. Thank you to the city.

**MR. ONORATO PRESENTS:**

No. 2685 WHEREAS, on December 23, 1972, with 22 seconds left in the AFC Divisional Playoff game between the Pittsburgh Steelers and the Oakland Raiders, former Steelers Terry Bradshaw, Frenchy Fuqua and Franco Harris were all involved in the final play of the game which became known as the "Immaculate Reception"; and

WHEREAS, the score was 7-6 Oakland and the Steelers were facing a fourth down and 10 on their own 40 yard line and playoff elimination. Bradshaw dropped back to pass but a strong rush forced him out of the pocket. He spotted John "Frenchy" Fuqua downfield and let go a pass. The ball deflected either off Fuqua or defensive back Jack Tatum and caromed to Harris; and

WHEREAS, Franco grabbed the ball just as it was about to hit the ground and ran 42 yards for the winning touchdown; and

WHEREAS, today the Pittsburgh community is celebrating the 25<sup>th</sup> Anniversary of Franco Harris' "Immaculate Reception". This event celebrates the greatest play in NFL history and at the same time supports youth programs such as the Boys & Girls Clubs of Western Pennsylvania and the Mel Blount Youth Home of Pennsylvania; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Franco Harris on the 25<sup>th</sup> Anniversary of the most famous catch in NFL history, the "Immaculate Reception".

BE IT FURTHER RESOLVED, that Pittsburgh City Council hereby declares Tuesday, December 23, 1997 as Franco Harris Day in the City of Pittsburgh.

**MR. HERTZBERG** moved to adopt the resolution.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

**The Chair:**

Thank you very much. I believe that concludes our read and adopted. We will quickly do presentation of papers. I am waiting for 11:00 to turn here.

**MR. HERTZBERG** moved to suspend Rule 8 on everything that comes in by providing for consideration of the bills only until or after the 8<sup>th</sup> calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

**MR. CUSICK** seconded the motion.

Which motion prevailed.

**MR. RICCIARDI PRESENTED:**

No. 2686 Resolution amending Resolution No. 456, effective August 1, 1997, entitled "Providing for an Agreement or Agreements with the Urban Redevelopment Authority to provide for a

maintenance agreement (reflecting a General Stormwater Management Policy) in the 20<sup>th</sup> and 28<sup>th</sup> Wards, 2<sup>nd</sup> Council District of the City of Pittsburgh" by changing the party from the Urban Redevelopment Authority to the Warrior Hills Partners.

Which was read and referred to the Committee on Public Works, Water and Environmental Services

**MR. UDIN PRESENTED:**

No. 2687 An Ordinance amending the Pittsburgh Code, Title Ten-Building, Chapter 1007-BOCA National Building Code Adoption, Article I-Administration 7 Enforcement Section 112.0 Fees, Subsection 112.31, Fee Schedule & Title Seven-Business Licensing, Article 1-Administration, Section 701.07 License Fees by increasing all fees three percent (3%).

No. 2688 Resolution providing for the transfer of funds totaling \$350,000.00 Dollars from various Code Accounts within the Department of Public Safety, Bureau of Police and the Office of Municipal Investigations to the Department of Public Safety, Bureau of Police Salary Account.

No. 2689 Resolution authorizing the transfer of funds totaling \$1,212,669.00 Dollars from various Code Accounts within the Department of Public Safety, Bureau of Fire, Department of Public Works, Department of Finance, Magistrates Court, Department of General Services, Department of Parks & Recreation, City Information Systems, and Department of Public Safety to the Department of Public Safety, Bureau of Fire Premium Pay Account.

Which were read and referred to the Committee on Finance and Budget.

**The Chair:**

Waive rule eight on all of these. They will be up this afternoon. At this time I would respectfully ask that we recess this meeting and ask our colleagues to please join the Mayor in his conference room for a joint statement regarding our budget for 1998. This Legislative Meeting stands in recess.

**(Meeting Recessed)**

**The Chair:**

Council's Legislative Session is now back in order and we have concluded our presentation of papers. Is there any matter under unfinished business or reports of special committees? Moving to Report of Committee.

**REPORTS OF COMMITTEES**

**MR. UDIN PRESENTED:**

Bill No. 2691.

Report of Committee on Finance and Budget for December 17, 1997, transmitting two ordinances and sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2597:

Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapters 245, Earned Income Tax and 246, Home Rule

Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for [1997] 1998.

Which was read.

Also,

Bill No. 2598:

Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for [1997] 1998.

Which was read.

Also,

Bill No. 2651:

Resolution providing for the issuance of a \$3,571.95 warrant in favor of Bell Atlantic Network Services, Inc., in settlement of a claim in which a City Environmental Services vehicle hit and damaged a telephone cable on March 26, 1997, charging same to Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read.

Also,

Bill No. 2652:

Resolution providing for an Agreement or Agreements with a Court Reporter or Court Reporters in connection with the taking of testimony at Civil Service Commission and providing for the payment and the cost thereof, not exceed \$2,000

(Two Thousand Dollars) chargeable to and payable from Code Account No. 1100 (110007), Miscellaneous Services (Miscellaneous Professional Services), Account #526150, Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission

Which was read.

Also,

Bill No. 2653:

Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the design and implementation of City-Wide training programs for the City employees and providing for the payment of the cost thereof. The total Amount payable under said Agreement or Agreements shall not exceed \$30,000 (Thirty Thousand Dollars) chargeable to and payable from Code Account No 1100 (110007) Miscellaneous Services, Account 526125, Fund 1000, Sub Code 150 and Organization Code 109320.

Which was read.

Also,

Bill No. 2655:

Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 28<sup>th</sup> Ward, known as 1252 Idlewood Road, to Idlewood Road Property Company, a Pennsylvania limited partnership. (COUNCIL DISTRICT 2).

Which was read.

Also,

Bill No. 2656:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", Effective December 11, 1984.

(A) 6 -8 McKnight Street, acquired from Alf & Ethel Everett, 20<sup>th</sup> Ward, Block 19S, Lot 131, \$5,250.00. Two story aluminum siding and inselbrick double house requiring rehabilitation being sold to W.D.C. Inc. **Intended Use: Investment.** (Council District 2.)

(B) 1228 Arch Street, acquired from Robert D. Simon, 22<sup>nd</sup> Ward, Block 23K, Lot 351, \$1,500.00. Two story frame house requiring rehabilitation, being sold to Robert A. Sauritch. **Intended Use: Personal Residence.** (Council District 6).

(C) 8325 Bricelyn Street, acquired from Gregory H. Reed, 13<sup>th</sup> Ward, Block 231J, Lot 389, \$1,000.00. Two story brick and frame house requiring rehabilitation, being sold to Tryrone D. Tomman. **Intended Use: personal Residence.** (Council District 9).

(D) 220 N. Linden Avenue, acquired from Debra R. & Leonard Slade, 14<sup>th</sup> Ward, Block 125P, Lot 21, \$4,503.50. Two and one half story brick house requiring rehabilitation, being sold to Lorraine & Terrence Brown. **Intended Use: Personal Residence.** (Council District 9).

Which was read.

Also,

Bill No. 2657:

Resolution Providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

(A) 6941 Hamilton Avenue, 12<sup>th</sup> Ward, Block 125M, Lot 318, being sold to Betty McCray. Two and one story frame house requiring rehabilitation, \$1000.00. **Intended Use: Personal residence.** (Council District 9).

(B) 7209 - 7211 Lemington Avenue and 7209 Lemington Avenue, 12<sup>th</sup> Ward, Block 173K, Lots 24 & 25. Two story brick and aluminum siding house requiring rehabilitation together with adjoining vacant lot, being sold to Jonathan T. & Shirlean Powell, \$2,000.00. **Intended Use: Parking.** (Council District 9).

(C) 539 and 549 Winfield Street, 12<sup>th</sup> Ward, Block 124P, Lot 113. Two vacant lots, being sold to owners of adjoining business who wish to use them for parking, Frog's Club, Inc, \$800.00. **Intended Use: Parking.** (Council District 9).

(D) 704 Brushton Avenue, 13<sup>th</sup> Ward, Block 174 R, Lot 222, One story brick and tile building and addition requiring rehabilitation. Being sold to Jill A. Smallwood, \$3,000.00. **Intended Use: Storage and rental.** (Council District 9).

(E) 2835 W. Carson Street, 20<sup>th</sup> Ward, Block 21E, Lot 60, vacant lot, being sold to Walter G & Patricia M. Schwartzmiller, Jr., \$2,000.00. **Intended Use: Expansion of existing property.** (Council District 2).



(F) 44 Brahm Street, 24<sup>th</sup> Ward, Block 47N, Lot 96, vacant lot being sold to Gary F. Smith, \$500.00. **Intended Use: Additional Yard space.** (Council District 1).

(G) 449 Elmdale Road, 28<sup>th</sup> Ward, Block 18A, Lot 115, vacant lot being sold to adjoining property owners Michael & Margaret Parks, who wish to build on their lot, for additional yard space, \$2,000.00. **Intended Use: Additional yard space.** (Council District 2).

Which was read.

Also,

Bill No. 2674:

Resolution authorizing the transfer of \$74,000.00 from various Code Accounts, all within the City Controller's Office. This resolution is necessary to provide sufficient funding for payroll accounts in the City Controller's Office.

Which was read.

Also,

Bill No. 2675:

Resolution authorizing the Citizen's Police Review Board to enter into a rental lease and purchase various items for the conduct of its business at a cost not to exceed \$105,000.00 (One Hundred Five Thousand Dollars) chargeable to and payable from Code Account 75, Fund 1000, Sub 150, Organization 999400 Miscellaneous Services, Account 525600,

Budget Year 1997. **(SPONSORED BY MR. UDIN).**

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, bills are now ready for final action. If you are in favor of the bills, please vote aye when your names are called. If opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

All the bills having received the legally required number of votes have been approved finally.

We will take Bill 2671 which has a negative recommendation. Hopefully we can act to table the bill at this time.

**MR. RICCIARDI PRESENTED:**

Bill No. 2692:

Report of the Committee on Public Works, Water, and Environmental Services for December 17, 1997, transmitting an

ordinance to Council.

Which was read, received, and filed.

Also, with a negative recommendation.

Bill No. 2671:

An ordinance amending and supplementing the Pittsburgh code, title six, conduct, Article I, regulated rights and actions, Chapter 619, refuse collection and recycling to provide for the imposition of a residential refuse collection fee, to provide a means of dispute resolution pertaining to such fees and to establish the penalty for noncompliance.

**The Chair:**

Is there a motion?

**MR. UDIN** moved to table the bill.

**MR. ONORATO** seconded the motion.

Which motion prevailed.

Also, with an affirmative recommendation.

Bill No. 2672:

Resolution dedicating a portion of Unamed Way, between Norwich Avenue and Dorchester Way, 15' wide including the asphalt surface only in the 19<sup>th</sup> Ward, 4<sup>th</sup> Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2673:

Resolution amending Res. No. 198, effective April 28, 1997. This resolution is entitled "Providing for a contract or contracts, or use of the existing contracts, for street resurfacing in CD areas throughout the City of Pittsburgh and providing for the payment thereof. We are increasing the total allocation by \$560,000.00 Dollars to (\$1,560,000.00), chargeable to and payable from Account 526700, Fund 2610, Org. 400000, Sub-Class C1997, Project Number 2239000, Budget year 1997, Citywide Resurfacing, Department of Public Works.

Which was read.

**The Chair:**

Any discussion on the remaining bills? Hearing none, if you are in favor of the bills, vote aye when your names are called. If opposed, vote noe.

Please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

All the bills having received the legally required number of vote have been approved finally.

**MS. MCDONALD PRESENTED:**

Bill No. 2693:

Report of Committee on Housing Economic Development and Promotion for December 17, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2668:

Resolution providing for an Agreement (s) for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, Lawrenceville Development Corporation, and Lawrenceville Business Association, at a cost not to exceed \$61,338.10, chargeable to and payable from the Community Based Organization Trust Fund: Account 500000; Fund 2810; org. 110000, Subclass 600; Project/Grant # N/A, Budget Year 1997.

Which was read.

Also,

Bill No. 2478:

Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the Schenley Center Tax Incremental Financing district and making certain findings. (Council District 6). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 2479:

Resolution authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the Schenley Center Tax Incremental Financing District. (Council District 6). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 2634:

Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property in the 11<sup>th</sup> Ward of the City of Pittsburgh designated as Block 83-B, Lots 311, 316 and 316A, for \$18,000.00 plus costs - Pittsburgh Housing Construction Fund (residential construction). (PRESENTED BY MS. MCDONALD AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 2649:

Resolution authorizing the City of Pittsburgh to submit grant applications to and execute relevant agreements with the Pennsylvania Department of Community and Economic Development under the provisions of the Community Revitalization Program.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion?

**Mr. Udin:**

On Bill 2478 this is the property involving the Schenley Center taxing Increment Financing Districts. I want to number one thank my colleagues for supporting the people in the nearby neighborhoods who had many concerns about the negative impact this bill might have on their property or property values not bill but the construction project itself.

Through the assistance of the Urban Redevelopment Authority and the Solicitors Office of the City of Pittsburgh as well as many community representatives, I think we have a commitment from the administration that they will repair the wall on Dakota Street. At least a half million dollars has been set aside for that purpose and other commitments of the builders to this project have been reduced to writing to my satisfaction. But I would add of course that if any of these promises are broken, I certainly will have no hesitation about coming back to this body and ask that we reconsider our approval of this tiff and of this project.

**The Chair:**

Thank you, Councilman. Just as a clarification. The resolution I have doesn't have a specific date in section three. I presume that upon passage, the tiff district is created as of December with the appropriate date 1997. If we could have the Clerk just clarify that so that when we submit the resolution to the Mayor we are clear as to what the authorizing date is.

Any other discussion?

**Mr. Cohen:**

I just want to thank Councilman Udin for taking the lead on this issue. He really took the bull by the horns with the community and the developer and the city and came up with conditions that I think will protect the community and I support it.

**The Chair:**

Other discussion? Hearing none, the bills are now ready for final passage. If you are in favor of the passage of these bills, please vote aye when your names are called. If opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

All the bills having received the legally required number of votes have been approved finally.

**The Chair:**

Councilman, you weren't yet in the room earlier we had volunteers and others from Project Safe Summer and I was remiss

in not thanking you in particular because I know you worked very hard in raising a lot of the money from the foundation, hospital and community as well your staff did a heck of a job. I want to thank you personally for your help in that project.

**Mr. Cusick:**

Thank you.

**MR. CUSICK PRESENTED:**

Bill No. 2694:

Report of Committee on Parks, Recreation and Youth policy for December 17, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2631:

Resolution Establishing an all day rental rate and a four hour minimum rental rate for the Schenley Park Skating Rink Meeting Room; and increasing the alcohol permit fee, all effective 1-1-98.

Which was read.

Also,

Bill No. 2666:

Resolution amending Resolution No. 454/1997 entitled "Providing for an Agreement or Agreements with the Pittsburgh Board of Public Education for the purpose of providing meals in connection with the Summer Food Service Program" by

providing for a supplemental agreement, and by increasing the total cost of the program by \$30,000.00 from \$800,000.00 to \$830,000.00, payable from Index 270256, Account 525530, Fund 2855, Organization 521220, Subclass 600, Year 1997, in the Department of Parks and Recreation.

Which was read.

**The Chair:**

You have heard the reading and titles of the bills, any discussion? Hearing none, bills are now ready for final action. If you are in favor of the bills, vote aye when your names are called, if opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES** Nine **NOES** None

All the bills having received the legally required number of votes have been approved finally.

I believe we have one bill as proposed to table and but we will read them all.

**MR. COHEN PRESENTED:**

Bill No. 2695:

Report of Committee on Public Safety Services for December 17, 1997, transmitting an ordinance to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2620:

An Ordinance Amending Title Six - Conduct; Article I: Regulated Rights and Actions; Chapter 604 Curfew, by deleting § 604.05(2) of the Enforcement Section and 604.06 Curfew Center. The Effective date of the legislation shall be January 1, 1998. (SPONSORED BY MR. O'CONNOR)

Which was read.

**The Chair:**

You have heard the reading and titles of the bills, any discussion?

Maybe Councilman O'Connor can clarify this issue.

**Mr. O'Connor:**

Mr. President, before I make a motion, I would like to explain -- thank Council for its support last week of intentions of lowering the curfew budget to the center to \$75,000. Before that can happen or any agreeable number, I think everyone agrees that the curfew costs were out of line but yet we wanted to keep it open.

We must review the, our Law Department, the contract provisions with Three Rivers Youth once that contract issue

is addressed we can amend the capital budget and come back with an appropriate number. We are using the figure \$75,000 now but I think it also gives us time to work with Three Rivers and the people on the curfew bill to come up with a reasonable number. Therefore, I would make a motion to table the bill at this time.

**MR. O'CONNOR** moved to table the bill.

**MR. ONORATO** seconded the motion.

**Mr. Udin:**

I want to make a point of order to clarify for Council colleagues that there was connected to this bill a \$90,000 appropriation to the Citizen Police Review Board but there is still enough room between the original appropriation of \$247,000 and the \$90,000 that was going to be added. Even if we did reduce it to the seventy-five or some number close to that, there is still enough room to transfer that \$90,000 to the Citizen Police Review Board so that budget is not affected by this actions.

**The Chair:**

Thank you. I want to remind my colleagues when we want to change monies, we must go back to the authorizing resolution, which was previously voted. Actually the authorizing Community Development Block Grant authorization be it curfew and/or Citizens Review Board, we need to eventually submit whatever the appropriate authorizing resolution is. I am sure our budget office as well Mr. Bellisario will from City Planning would be available to make sure that we do that appropriately. Any other discussion?

All in favor? Motion carries.

Bill is tabled.

**MR. O'CONNOR PRESENTED:**

Bill No. 2696:

Report of Committee on Engineering and Construction for December 17, 1997, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2669:

Resolution amending Resolution No. 383/1997, entitled "providing for a Contract or Contracts, or use of existing Contracts for the Chartiers Avenue/Hillsboro Street Intersection Improvements; and providing for the payment of the cost thereof," by increasing the total project allocation by \$60,000.00, from \$200,000.00 to \$260,000.00.

Which was read.

Also,

Bill No. 2670:

Resolution further amending Resolution No. 1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program," by increasing a line item (Neighborhood Street Improvements) by \$60,000.00 from \$1,550,000.00 to \$1,610,000.00.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, bills are now ready for final action. If you are in favor of the bills, please vote aye when your names are called. If opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. Ferlo
	(Pres't)

**AYES Nine NOES None**

All the bills having received the legally required number of votes have been approved finally.

**The Chair:**

I would ask our City Clerk since we are taking an unusual move introducing a resolution as well recessing this meeting to act on it both in committee and in final forum today, I would ask our Clerk to quickly read this resolution.

Bill No. 2690:

Whereas City Council has adopted the 1998 Operating Budget on Friday, December 19, 1997 and where as the Mayor and City Council are committed to maintaining a structurally balanced budget.

Whereas, there is a principal disagreement between City Council and the Mayor over various revenue projections and expenditure items contained in the 1998 budget; and.

Now therefore be it resolved that in order to resolve the disagreement and to prevent lay offs to City employees relative to this agreement, the Mayor and City Council agree to the following.

Section one, City Council authorizes and directs the Mayor's budget director and City Council's budget director to work closely in monitoring revenues and expenditures and report monthly over the next 12 months.

Section two, the budget directors will submit to the Mayor and City Council their analysis and recommendations by May 31, 1998.

Section three, to the extent that the results of the study show that total revenues generated in the first half of the year do not meet expectations and/or the expenditures exceed projections, City Council agrees to authorize through legislation recurring revenues and/or reduce expenditures by June 30, 1998 to ensure a structurally balanced operating budget for the 1998 fiscal year.

Section four, this agreement does not preclude the implementation of the administrations cost neutral collective bargaining strategy or any other costs reduction prerogative not related to this disagreement.

Section five, the budget directors must agree and a methodology for monitoring total revenues and expenditures

and a definition of recurring revenues by February 5, 1998. If any agreement is not reached both the parties will accept the recommendation of the city's independent auditor. (SPONSORED BY MR. UDIN, MR. FERLO, MR. COHEN, MR. ONORATO, MR. HERTZBERG, MS. MCDONALD, AND MR. O'CONNOR.)

**The Chair:**

Thank you. We will move this ahead for action today. I want to thank the Mayor for his support of this resolution. It allows us not to have a veto but to move ahead into the next fiscal year to continue the creative discussions we have had on the real Operating Budget expenditures and projected revenues and gives us an opportunity to continue working together in the next fiscal year.

We have waived Rule 8. That resolution will be on the table this afternoon.

#### **MOTIONS AND RESOLUTIONS**

Before we recess this meeting is there any other matter to be brought before the body?

**MR. UDIN** moved to make all bills effective as of December 31, 1997.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**The Chair:**

We want to welcome our State Representative Mr. Joseph Preston here today who is obviously here today to wish all of us Happy Holidays and maybe he will give us a Christmas present. I don't know.



He is also the Chairman of the Board of Pittsburgh Public Water and Sewage.

**Mr. Ricciardi:**

Thank you. On the a different issue, I am not sure if State Representative Joseph Preston has brought us a Christmas from the PWSA, hopefully good news though.

Colleagues, I will just be a very brief moment. If I could ask for your indulgence, several months ago this body was very, very supportive of the veterans in terms of their application to the Regional Asset District Board of Directors. I thank all of you for that. We received numerous letters from different organizations; hopefully you have received all of them. I forwarded them to you.

Several days ago, Commissioner Dawida stated publicly that he is going to ask the Regional Assets Board of Directors to reconsider their application to expand their application asking for additional funds in order to supply police protection to some of the parks. That application and its going to be a new application because he's going to amend an application something that's not there already.

Please keep in mind that the Soldiers and Sailors Memorial Hall had their application in on time to Allegheny County Commissioners four days before the deadline unfortunately a host of applications did make it to the RAD Board minus the Soldiers and Sailors Memorial Hall.

I continue by my words, and I call it very suspect. However, I am not saying that Gene Ricciardi has a position on asking the RAD Board for additional funds for the North and South Park and other parks to

police them. I am not asking this body to take a position on that neither. That's really up to the RAD Board.

I am hoping this body supports me. I would like to pass a resolution today and send it to the Regional Asset District Board of Directors just saying that if they reconsider any other applications or funding processes that they should also reconsider the application by the Soldiers and Sailors Memorial Hall.

**MR. ONORATO** seconded for discussion.

**Mr. Onorato:**

I want to once again commend Councilman Ricciardi for bringing this issue up. I know we very seldom interfere with independent board's decisions of allocating money. This is very unusual, but that doesn't mean we shouldn't never do it. This is one example where I think Councilman Ricciardi is absolutely 100% right. If the Soldiers and Sailors Building is not an example of a Regional Asset, what is? To me, that would be your definition in the picture you would see in the dictionary of a regional asset. Not only because of the building but because of the veterans.

The veterans don't just live in the City, they live everywhere in the Western Pennsylvania area, that have a tie to that building and it is a way to actually pay something back in honor of what they did for us. I would hope that the Regional Assets District Board would make one exception for whatever the clerical mistake was and to do what is right here. I don't see how anyone would object any where that the exception or the one time review of this application only don't open up the flood gates for everyone else, for this one, the

Soldiers and Sailors Building, the veterans deserve it. That building deserves it.

I would hope that this resolution once again would send a strong message that we are not trying to tell you how to run your business. We are just saying that there is one asset that has been missed for several reasons that it should be reviewed because this region should recognize these individuals.

**The Chair:**

Any other discussion? I wholeheartedly support the resolution. Again, I know we're not making it part of the resolution. If they give more money to the County for the parks, I think that is great, but they had better give more money to the City for the operating obligations that we have at least for our four regional parks. If we can tack on COP patrol of our parks, I am all for taking the money. If they are going to do it for the County, they have to give the City of Pittsburgh money for the regional parks also.

I would hope that they would re-review -- I just read the list recently. The RAD contributions, they gave for instance, I will pick an example, American Wind Symphony got \$50,000. They don't have a boat any more. They are not operational any more with their services and concerts.

I have no idea why Mr. Badroe was able to warm in on another \$50,000 he's slum landlords in my council district. That's another issue. But I cannot understand why they gave him \$50,000 and the American Wind Symphony doesn't even exist any more to my knowledge at least. In fact for the last few years, they haven't even been here. They've been out all over the world

which is great.

I don't understand where their priorities are and not recognizing the asset that the Soldiers And Sailors Memorial Hall represents. Even the building itself. Even the capital needs of the building independently the collection of artifacts they have in their operating budget. I am very perplexed about how they prioritize some of art groups and all that.

**Mr. Ricciardi:**

I agree with all that, Mr. President. I also don't want this to get this resolution muddled in anyway. What we are basically saying is that the RAD Board reconsider and they reopen the process they should reopen it towards the Soldiers and Sailors.

Thank you for that.

**The Chair:**

You could help draft that with the City Clerk.

**Mr. Ricciardi:**

Linda, if you could take care of that.

**The Chair:**

All in favor. Motion carries.

Other discussion?

**Mr. Hertzberg:**

I didn't follow why we are recessing, procedurally what the plan is.

**The Chair:**

We are going to recess this Legislative Session so that this afternoon following the Standing Committee Meeting, which I believe begins at 2:00 we will act in final forum on the resolution regarding the budget impasse and other bills that may come up.

**Mr. Hertzberg:**

So next Monday's meeting may be unnecessary?

**The Chair:**

No. We still will legally be obligated to have a meeting, but hopefully we will be able to join hands and wish each other Happy Holidays and including the Mayor and not have any substantive issues. Maybe I will have something to say about the Presidency but other than that, it will be a great year.

**Mr. Hertzberg:**

I have some concerns over that procedure, Mr. President. I think there is some minimal advertising requirements.

**The Chair:**

We are able to act legally on the resolution.

**Mr. Hertzberg:**

We can legally introduce something and finally vote on it all within an eight hour or less period?

**The Chair:**

We will do that and we will also honor any other additional requests for any

change to that procedure, yes. Which is stipulated in the Home Rule charter.

**Mr. Hertzberg:**

I thought it was stipulated there is an advertising requirement? Doesn't matter, if we are having a meeting next Monday, we can talk about it later.

**The Chair:**

Any other discussion? This Legislative Session now stands in recess until this afternoon following the two o'clock Standing Committee Meeting.

#### UNFINISHED BUSINESS

(Recessed Meeting of 10:00 a.m. has reconvened.)

**The Chair:**

City Council's Legislative Session from this morning is reconvened for the purpose of giving final disposition to one bill that was read and discussed in Committee just now and that is Bill No. 2690 and I would ask the clerk please read that bill.

**MR. UDIN PRESENTED:**

Bill No. 2698:

Report of the Committee on Finance and Budget for December 22, 1997, transmitting a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2690:

Resolution, whereas City Council has adopted the 1998 Operating Budget on Friday, December 19, 1997; and the Mayor and City Council are committed to maintaining a structurally balanced budget. (Sponsored by Mr. Udin, Mr. Ferlo, Mr. Cohen, Mr. Onorato, Mr. Hertzberg, Ms. McDonald, and Mr. O'Connor)

Which was read.

**The Chair:**

The City Clerk has suggested per her advice that we make this bill effective January 1, 1998 in order to comply with our obligations under the charter and notification back from the Mayor and the signature of this bill. We only have one more meeting. So the bill, if there is no objection will be amended with an effective date January 1, 1998.

**MR. UDIN** moved to amend the bill.

**MR. COHEN** seconded the motion.

Which motion prevailed.

**Mr. Hertzberg:**

I think we also need a finding of an emergency and some urgency that is requiring us to act by final legislation.

**The Chair:**

Motion to amend with an effective date is the agreement that Council has

suspended their rules in order to expedite both the introduction and final passage of this resolution. So it is also part of the amendment in addition to the effective date of January 1, 1998.

**MR. UDIN** moved to the suspend rules.

**THE CHAIR** seconded the motion.

Which motion prevailed.

Bill is amended with an effective date and notification that Council suspended rules in order to expedite both the introduction and final action of the resolution.

On the bill itself, any discussion? Hearing none if in favor of the bill as amended, please voted aye when your names are called. If opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Cusick
Mr. Hertzberg	Ms. McDonald
Mr. O'Connor	Mr. Onorato
Mr. Udin	Mr. Ferlo
	(Pres't)

**Ayes Eight NOES None**

Bill as amended has received the positive number of votes and is in effect and final and approved.

**The Chair:**

That concludes our Legislative Meeting unless any other matter to be

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brought before the body? This Legislative Session will have one more meeting for this session of Council. I believe it is on January 29, at 10:00 a.m. Final action on any and all bills and any other matters to be brought before the body.

I want to tell Councilman Cusick that you're out of order one last time.

**The Chair:**

This Legislative Session stands adjourned. Thank you.

**Mr. Udin:**

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## MUNICIPAL RECORD

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*Proceedings of the Council of the City of Pittsburgh*

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*VOL. CXXXI*

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### ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO..... President  
LINDA M. JOHNSON-WASLER.... City Clerk  
JOHN R. MASCIO ..... Deputy City Clerk

Pittsburgh, PA  
Monday, December 29, 1997

#### PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Ricciardi	Mr. Hertzberg
Mr. Udin	Ms. McDonald
Mr. O'Connor	Mr. Ferlo
	(Pres't)

#### ABSENT:

Mr. Cusick

#### The Chair:

Good morning everyone. Happy Holidays and Happy New Year. This is the last official Legislative Session and meeting of City Council for the year 1997. A new session of City Council will take office in early January. I am pleased and I think Council is certainly aware that the Mayor has signed the Annual Budget that we forwarded to his office, both the Operating

Budget and the Annual 1998 Capital Development Plan. So we are pleased of that signing of the documents. There will be no additional meeting, employees, that the New Years eve date to deal with any vote for any over ride of any veto. So we are pleased that we have an agreement with the administration on next year's Operating Budget and Capital Budget.

At this time, would you all please rise for the pledge of allegiance and please remain standing for a moment of silent prayer so we may have peace throughout the world.

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible with liberty and justice for all.

#### The Chair:

We only have a few bills up this morning for final action. I don't believe any colleagues at this point have any guests for any formal proclamations.

So at this time if there is no objection, we will waive any presentation of papers, this being the last meeting and no opportunity for this Council to take final action on any other matter before Council. In fact there are a couple of bills that are outstanding. I know I still have an ordinance that will have to be resubmitted early January regarding the bus shelter proposal, which is still before the Planning Commission. We haven't acted finally on

the ordinance changing the Cooperation Agreement I believe it was with Pennsylvania Water and Sewage Authority as it relates to the rates and the issue of South Hills Water ratepayers where we have subsidized the rate. If you remember that bill was held for some further discussion. So that bill will have to be reintroduced in January. Other bills that were tabled recently were pretty much dead bills like the curfew issue and the administration's bill regarding limiting Council's powers on financial matters and various things. Those were completely tabled. There are really only a couple of things that will come back early January.

At this point each colleague including myself will have to reintroduce any resolution and ordinance if it is appropriate.

At this time, we also waive any presentation of papers. There being no new bills to introduce given the final action session of this Council, moving to unfinished business or any reports of the special committees.

Any matter to be brought before the body? We haven't really had a report for some time on the Disparity Study Commission. I won't put Sala Udin on the spot now, but there are a number of working committees that we initiated this past year and if I am coming to the twilight of my presidency I will hope that they will continue.

One is Council's unanimous support for the Plan B Working Group. I personally forwarded a number of names to the Mayor. I hope he will take seriously the suggestions. I would ask our colleagues to please if you're around the rest of the day or tomorrow,

please submit a new name for the Police Civilian Review Board. I had submitted a community activist individual from my community of Stanton Heights who has been very active for many years in the Pittsburgh Human Relations Commission, but who would be appropriate. If every colleague would please forward a name or recommended nominee to the Mayor for the Civilian Review Board, which I would presume at this point he would take up in early January.

As well, we would like to, the Mayor has agreed to get the working Group, the Plan B Working Group together. I sent over eight or nine or ten names. I would ask our colleagues please if you have as I know you have on many good people who have come forward in this last six months of debate, even your staff such as Mr. Petudo, there are many people I would suggest that we ask be considered as nominees for this working group. But please do that between now and the next few days so that the work of that committee can start in early January. We need to have a full complement of Civilian Police Review Board, the Disparity Study Commission continues into the next year even though we have a new Council officially in session.

**Mr. Ricciardi:**

I apologize for interrupting. Just regarding the Civilian Review Board, just for the record Mr. Ferlo, I will be submitting a name of a gentleman from Arlington and Mr. Cusick and I have a joint appointment, a name that will be submitting, Joanne Herman. Thank you.

**The Chair:**

I know Joanne very well. She would make a great person to be on the board.

Again colleagues, I know we are all busy at this time of year, but it would be nice for the Mayor to have some sense of each colleague's recommendation for the working group and/or the Civilian Review and he is not filling that by district. The ordinance suggests that he would accept a nominee from a pull of nominees. It would be nice if all nine of us would forward a name, even if it is an individual name that was not chosen earlier, there is a new slot open.

I do want to thank Bob Croner. I thought he was a great choice. He had some personal family and health reasons for not being able to fulfill the obligation, but I want to thank him for the time that he did spend on the Board helping it get formed. If there is no other matter, then we will move to Reports of Committee.

## REPORTS OF COMMITTEE

### MR. UDIN PRESENTED:

Bill No. 2699:

Report of the Committee on Finance and Budget for December 29, 1997, transmitting one ordinance and sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2654:

Resolution authorizing the Mayor and the Director of Finance to execute a lease with The Urban Gardner, Inc. for Three Taxing Bodies owned property 25<sup>th</sup> Ward, 1901 Brighton Road, Block 22D, Lot 109, for the purpose of operating a retail garden center.

Which was read.

Also,

Bill No. 2687:

An ordinance amending the Pittsburgh Code, Title Ten-Building, Chapter 1007-BOCA National Building Code Adoption, Article I-Administration 7 Enforcement Section 112.0 Fees, Subsection 112.31, Fee Schedule and Title Seven Business Licensing, Article I-Administration, Section 701.07 License Fees by increasing all fees three percent (3%).

Which was read.

Also,

Bill No. 2688:

Resolution providing for the transfer of funds totaling \$350,000 dollars from various Code Accounts within the Department of Public Safety, Bureau of Police and the Office of Municipal Investigations to the Department of Public Safety, Bureau of Police Salary Account.

Which was read.

Also,

Bill No. 2689:

Resolution authorizing the transfer of funds totaling \$1,212,669 dollars from various Code Accounts within the Department of Public Safety, Bureau of Fire, Department of Public Works, Department of Finance, Magistrate Court, Department of General Services, Department of Parks & Recreation, City Information Systems, and



Department of Public Safety to the Department of Public Safety, Bureau of Fire Premium Pay Account.

Which was read.

Also,

Bill No. 2690:

Resolution, Whereas, City Council has adopted the 1998, Operating Budget on Friday, December 19, 1997; and the Mayor & City Council are committed to maintaining a structurally balanced budget. (SPONSORED BY MR. UDIN, MR. FERLO, MR. COHEN, MR. ONORATO, MR. HERTZBERG, MS. MCDONALD, AND MR. O'CONNOR)

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, bills are now ready for final action. If you are in favor of the bills, vote aye when your names are called, if opposed, vote noe.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

Ayes	Eight	NOES	None
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Bills having received the legally required number of votes have been approved finally.

**MR. RICCIARDI PRESENTED:**

Bill No. 2700:

Report of Committee on Public Works, Water and Environmental Services for Monday, December 29, 1997, transmitting a resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 2686:

Resolution amending Resolution No. 456, effective August 1, 1997, entitled "Providing for an Agreement or Agreements with the Urban Redevelopment Authority to provide for a maintenance agreement (reflecting a General Stormwater Management Policy) in the 20<sup>th</sup> and 28<sup>th</sup> Wards, 2<sup>nd</sup> Council District of the City of Pittsburgh" by changing the party from the Urban Redevelopment Authority to the Warrior Hills Partners.

Which was read.

**The Chair:**

You have heard the reading and title of the bills, any discussion? Hearing none, bill is now ready for final action. If you are in favor of the bill, vote aye when your names are called, if opposed, vote noe.

Please call the roll.

The ayes and noes were taken agreeably to law, and were:

**AYES:**

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. O'Connor
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Ferlo
	(Pres't)

**AYES Eight NOES None**

The bill having received the legally required number of votes has been approved finally.

**The Chair:**

That concludes our two Reports of Committee. Under unfinished business, any motion or resolution, any other comments or concerns?

**UNFINISHED BUSINESS**

I do want to say a couple brief things. First of all our colleague, Councilman Cusick is not here today. Some one once wrote that your friend is the man that knows all about you and still likes you. Well, I still like Joey and he still likes me. I want to say very clearly that he has always been and will continue to be a friend.

It is unfortunate that part of his legacy is being left in part of the headlines of the newspapers as opposed to the hearts and minds of not only his family and his constituents, but also his friends here in City Hall and on Council.

I hope that Joey will be remembered for a lot of good work that he did. I think he applied himself and when Joey worked, he worked very hard. I think there is a lot of people in his Council District and even in

other neighborhoods that he did not represent, individuals, families, working people, people who are effected and felt very strongly or emotionally about a particular issue that was dear to their heart.

Joey worked very hard to apply himself and even though he is not here, and absent, I want to note a thank you to Joe. He certainly was an alley to me not only in the Council presidency, my own leadership rule on this Council and at least two critical times, but also in a more silent way, Joe was very strong on zoning and he historic preservation issues. Even though he may not editorially or even headline be remembered for a lot of key votes, I thought that he deliberated well when he cast a vote. I think he voted often times with his heart even more so than with his brain sometimes. I like to think that sometimes I vote that way too. I think that's part of what makes a good Councilperson. It's clear he was vocal and out front on a lot of issues. Whether we agreed or not, I think he left a legacy whether it be the Curfew bill, whether it be a lot of good constituent work he did, he hit the ground running from on everything from playground and park improvements in his district to helping individual families deal with all kinds of different constituent concerns.

He's not here today. I was hoping he would be here to at least say thank you. I think there are a lot of people out in his district and around the City that are not in the room today and don't have the benefit of the podium here, at the desk, or not in the position to say thank you. But on behalf of a lot of people including his own family and friends and a lot of people that Joey helped in his four year tenure here, I just want to add my voice and say thank you to Joe and to wish him the best as he continues to

develop his career.

There was a lengthy article in one of the local newspapers, I think it was in Pittsburgh about Joe and I know they called me and said well do you think he ever has a future in politics or political career? What would he have to do? I just said absolutely yes, I think he still has a future and could have a future. They asked me what would he have to do? I think he would have to do the same thing he did to get there in the first place; work hard, do a lot of grass roots out reach work with his family and friends and his neighbors and his constituents. If he decides he wants a future in politics in the political career, either as elected office, administratively, or working in some form of government, he's demonstrated he has the ability to do it if he keeps his eye on the prize. I want to wish Joe and his family well.

On a second note, since this is my last meeting as the Council President, as the Council Presidency arrives in early January, I want to thank all of my colleagues. I have been proud to serve two terms now as Council President. It's been quite an honor and privilege not only the first privilege being elected to Public Office and being elected four times now by my constituents. I am not planning on going anywhere. I would like to run for office again in City Council. I have a lot of projects and a lot of hard work in my Council District that I am working on. It is clear that some of the people that have supported me in the past are also interested in serving in the role of Council President. I have to respect that. I want to make it clear that I would be proud to serve under any of my colleagues in January and whatever the outcome is obviously, like anybody, I would like to serve another term but the political reality is

and I think it's a healthy process that's going on.

Unlike in the past, under the at large system, I think we are going through a period now where we have tenured district Council members, myself included, who will serve in public office for half a decade or even a decade. I think that's going to be true for everybody I am looking out here at the table on. I think it's going to be a good healthy process for people arise to other elected positions, whether it be the Presidency, the Council Finance Chair, various committees of Council. I think everybody here has demonstrated their ability to lead on any given issue or any given committee or any given role. So there is ego here effected by any loss of the Council Presidency in January. In fact, I think it's a healthy process for new leadership to emerge in this Council. If I end up being a compromise candidate that would be great, but if it's not, that's also great.

I want to thank everyone individually for your show of support. I think regardless whatever we different on various issues, I think we have had a good communication process. I think we have all worked well together. I think even when we had a fight, it's been a great fight, it's been one of politics and policy and emotionalism not tied to ones ego but emotionalism tied to one's passion for the policy of the issue that we care about very strongly.

I want to wish everyone well and thank you very much for having me -- for allowing me the opportunity to serve for the last four years as Council President. With that, any other comments?

Mr. Udin:

Yes, Mr. President. I want to first of all thank you for your leadership in the chair of the Presidency. You know that I am the newest member of Council here and from the very moment that I was elected, you have been a strong supporter and a firm leader with clear convictions. I don't know how much you appreciate the value that your tenure brings to this Council. You have been here a long time, you have been through three Mayor's and many, many members of Council. I don't know of anybody who knows City Hall and City Government better than you and you bring all of that knowledge with passion to your job. It has been a real benefit to me personally. I want to thank you for your leadership.

**The Chair:**

Thank you and thank you for your leadership as Finance Chair. I hope it continues no matter whatever shakes out.

**Mr. Cohen:**

I refuse to turn this into a retirement meeting. I don't think any of us know who is going to stand in that position that you're standing in right now in a week. However, I do want to say that I say this to every one, I don't think there is anybody who is more knowledgeable about City Government or who works harder than you, Councilman Ferlo. You have provided leadership to this Council and I appreciate and as I said we don't know what is going to happen a week from now when votes are cast, but you certainly have provided leadership to this Council. You have been a very, very hard working President. I appreciate that.

**Mr. Hertzberg:**

Thank you. I want to be sure to make some comments, although we don't have to get too long here. We are not going anywhere, but just as far as your service as President, I know some issues we have been on the same side, others we haven't. But one thing is for sure that you always exhibited a great passion for the job that you have done as President. I don't think any one can argue the sincerity and the hard work and the dedication you have had for the job as Council President and the great pride that you have taken and that you should take in a job that has been well done. Thank you for that great service to the City.

**Ms. McDonald:**

Yes let me echo those sentiments. When people had approached me early on when I first got on Council, are you going to support Jimmy Ferlo for President, that man's a wild man? But I will be frank with you, Jimmy; I don't care what people say. Jimmy is a very passionate person on various issues. I feel that you have balanced your passion with leadership and bringing all of us together, that when push came to shove and it took some one to step back and just speak for the entire Council body regardless of how he or she felt about an issue, Ferlo did take on that leadership rule and did step back and was very presidential.

So as former President of the School Board, I know what it takes. You have to pull back a lot even though you feel very strongly about certain things. But when the time came for him to speak, he did speak. Last week was wonderful. So I do appreciate your leadership and I just want to thank you for that.

**The Chair:**

I kept that speech short. When I am down there it will be a forty-minute speech.

**Mr. O'Connor:**

That was a long one. I have been on Council six years and when I started I always heard the negatives about Council or the joking, or not taking too seriously. I believe in the last two to three years with your leadership has really elevated itself into a very dynamic body of people not only the City but the region. I just happened to be at my cousin's party in the suburbs, and everyone there commented on how well run Council is and how many things we have done. I think with Mr. Udin's leadership on Finance Chair coming this close to a balanced budget and the way you handled the small crises or large crises of the last weekend, I think really elevated us to higher level than I have seen in my six years here. Thank you.

**Mr. Onorato:**

Two points, one I want to touch on your first point about Joe Cusick. First of all I have known Joe before he was a Council member. A lot of people don't know Joe's previous life as Councilman at one time he and his family had an apartment on the North Side. When I was first running for Council, he was actually one of my committee people. I first met him knocking on his door looking for support, sitting in his living room talking with this family and Joey and I hit it off from that point forward. Like you, Mr. President, I consider Joey a great person, a good friend. I want him to know even though he is not here that my door and phone is always open to him for anything even if that is personal or professional. I will be more than happy to help him out if he ever wants that or be

supportive on anything he does. The bottom line about Joe Cusick, he's a good human being. He's a good person. Anything I can do to help, I will be more than happy to do it.

On the other issue of Presidency, Mr. Ferlo, I have been here six years and people seem to forget my first two years you weren't up there yet. I don't forget that regardless of where you're standing or speaking from. It won't temper your point of view and if anything, people better look out because if he is not standing there, they may get a little more of Ferlo than they think they are going to get.

I want to point out that we -- all kidding aside, you would think by what you see in the media and hear in the media that you and I and some of us disagree on everything. When you actually look at the record, we probably agree on 80% of the 90% of the tough votes down here. I can say a lot of tough battles that you and I were on the same side, be it the billboard legislation or I could give you hundreds of examples, but there not headline grabbers, they sort of just get brushed under the rug. It has been a pleasure working with you on all those issues and even the ones we disagree on.

One thing I can say about Council President Ferlo you have to respect his advocacy. One thing I said is all nine of us bring nine different walks of life to this room. We are a product of our environment and we all had a different environment growing up. You definitely bring a perspective that maybe I didn't look at first, but it definitely makes me take a second look at certain things. I appreciate that because I think that balance is healthy for all of us.

**Mr. Ricciardi:**

I was very pleased to hear the kind words regarding Councilman Cusick. I think Councilman Cusick has done a wonderful job as Councilperson and he truly showed strength for his convictions. If you take the curfew bill and the parking pad legislation, those were not easy pieces of legislation that he had to shepherd through this body and many public hearings. He has been very effective in his neighborhood. If people could just see the reconstruction of Pioneer Avenue and including the sidewalk that the residents have received free of cost, that's true effectiveness. I could definitely tell you and this is not a judgment on past representation of Carrick, but Carrick was very fortunate to have someone who spent so much time catering to some of their needs and again it's the strengths for his convictions that I will remember Mr. Cusick.

For example, he stood alone for Civilian Review Board. He just believed that it was not a good piece of legislation even though there was a referendum and he voted against it. I think that showed that Joey was willing to stand-alone if he believed in something and he truly will be missed. I think he has done a fine job and he is a very fine person. I look forward to working with him on other issues. Thank you.

**The Chair:**

Thank you so much. Thank you. Again, whatever shakes out. We have a great staff. I want to thank Linda and John both of whom are here and all the other staff and because of everybody here on Council we have developed into a great working relationship. So whatever happens no matter

what the musical chairs is next year, we can be proud that we have a great working staff that continues to provide leadership to each and every one of us as elected Council members, we want to thank them collectively.

**MR. COHEN** moved to excuse the absent member.

**MR. HERTZBERG** seconded the motion.

Which motion prevailed.

**MR. COHEN** moved to approve the minutes.

**MS. MCDONALD** seconded the motion.

Which motion prevailed.

**The Chair:**

With that, Happy New Year and this Legislative Session now stands adjourned.